

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

OCTOBER 14, 2014

PRESENT:

**David Humke, Chairman**  
**Bonnie Weber, Vice Chairperson**  
**Marsha Berkgigler, Commissioner**  
**Kitty Jung, Commissioner**  
**Vaughn Hartung, Commissioner**

**Jaime Deller, Deputy County Clerk (10:04 a.m. to 1:00 p.m.)**

**Nancy Parent, County Clerk (2:14 p.m. to 8:38 p.m.)**

**John Slaughter, County Manager**

**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:04 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**14-0848      AGENDA ITEM 3 – PUBLIC COMMENT**

**Agenda Subject:** “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

Kevin Ryan, Nevada Humane Society Chairman, expressed thanks to the Board and the Manager's Office for their review of the animal welfare Codes. He appreciated that the process aggressively sought public comment from all stakeholders.

Doctor Dennis Wilson, DVM, Hospital Administrator at the Animal Emergency Center, spoke about Agenda Item 25 regarding feral cat management. He was opposed to the trap, neuter and release (TNR) program due to professional, ethical and legal concerns. He said feral cats were a source of disease for feline pets and could pass diseases to humans. He thought trap, neuter and release was really trap, neuter and re-abandon.

Joel Blakeslee, Director of the Coalition for Nevada's Wildlife, Inc., stated the Coalition's opposition to Agenda Item 25. He said feral cats preyed on wildlife species and there were public safety issues to consider, such as cat scratch fever.

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Mel Belding echoed the concerns of Mr. Blakeslee and Dr. Wilson. He said 2010 statistics showed feral cats killed 470 million birds and, as a result, 33 species of birds had become extinct. He said projections showed that number would rise to 70 species by the year 2020.

Terri Rondulait spoke about Agenda Item 31 regarding Appeal Case AX14-005 and urged the Board to uphold the denial by the Planning Commission. She said developers argued the plan would decrease traffic on Pyramid Highway, but she questioned that justification. She expressed concern that community voices were not being heard. She talked about problems with several intersections and said the Board was blindly favoring an infrastructure that did not afford safety to their constituents.

Bob Brunner spoke about Agenda Item 25 regarding feral cats. He stated his opposition to the program and said it was wrong to perform surgery on cats and put them outside with no shelter. He was concerned the cats would deplete wildlife.

Levi Hooper said he was on the Board for the Reno Area Alliance for the Homeless (RAAH) and was grateful for the opportunity to help the community.

Sam Dehne talked about the readability of the agenda and his opposition to the margin tax.

Jeff Church submitted several documents, which were placed on file with the Clerk. He stated his objection to providing crime lab services to the City of Reno for free. He said Reno owed the County approximately \$8 million and suggested the County stop providing Reno with free services until the City agreed to arbitration and settled their debt.

Ardena Perry discussed changes to the animal Code. She said the Companion Animal Protection Act (CAPA) was bankrupting counties all over the Country. She thought the trap, neuter and release (TNR) program created a bridge for the transfer of rabies from wildlife to domestic pets and stated her opposition to it. She thought Commissioner Berkbigler should recuse herself from voting on issues related to the animal Code.

14-0819 **AGENDA ITEM 4 – ANNOUNCEMENTS**

**Agenda Subject:** “Commissioners’/Manager’s announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

John Slaughter, County Manager, noted there were a number of items related to the merger of Truckee Meadows Water Authority (TMWA), the South Truckee

Meadows General Improvement District (STMGID) and Washoe County Utilities on the agenda. He read a letter from Susan Landrith regarding two employees of the Senior Service's Daybreak (Adult Day Healthcare) program. In her letter, Ms. Landrith thanked Jannine Reed and Serena Trillo for attending the funeral of her friend. She thought the employees showed great care for the people they worked for and such devotion should be acknowledged.

Commissioner Berkbigler said she wanted to put on record that the Board was working closely with the District Board of Health regarding the protection of citizens from Ebola and the Entero Virus. She said she wanted a legal assessment as to whether developer funds, which were set aside for parks, could be used for the state-line to state-line bike trail project in Crystal Bay. She said the bike trail was important to the community and would allow the citizens of Crystal Bay to bike to Indian Village. She thought the bike trail project met all fund use requirements and wondered if there were any legal reasons holding the County back from using the funds for that purpose.

Commissioner Weber asked if the Health Department could make information about the Ebola outbreak available online so people would have access to factual information about the disease. She thought it was important to be proactive rather than reactive.

Commissioner Jung agreed with Commissioner Weber. She said she asked Kevin Dick, Washoe County District Health Officer, about the idea and would address the issue with City leaders as well.

Chairman Hartung talked about Walk to School Day. He said he attended the event along with Jennifer Van Ness, Van Gorder Elementary School Principal; Traci Davis, School District Deputy Superintendent; Jason Trevino, Interim School District Police Chief; MJ Cloud, School District Police Officer; and Tim Rowe from the Nevada Department of Transportation.

Commissioner Hartung reminded everyone about registering to vote and said early voting would start on October 18th. He announced an Ultra 4 Ultimate Rock Racing National Championship event would be happening on October 17th and 18th at Wild West Motorsports Park and talked about a once-in-a-lifetime opportunity to view the original Emancipation Proclamation, which would be at the Nevada Museum of Art between October 30th and November 2nd. He encouraged everyone to go see it.

Commissioner Hartung said he wanted the Board to have a conversation about the policy regarding greenbelt landscaping standards for new and existing industrial commercial complexes, business parks and neighborhood commercial areas. He thought turf requirements should be removed and replaced with options for drought-tolerant native landscaping for the purpose of water conservation. He also suggested a review of the Code regarding Home Owner Association (HOA) landscaping requirements. He wanted homeowners to have the option for drought-tolerant landscaping and hoped an Ordinance could be crafted to make it retroactive so

homeowners could change without fear of action by an HOA. He said he wanted staff to collaborate with Reno, Sparks and TMWA to create consistent regulations.

Commissioner Hartung said he would like to see an existing vehicle in the County fleet retrofitted so it could be used by the Sign Shop. He said he would like the Board to discuss giving the County Manager more flexibility, so his evaluation would not conflict with elections and he talked about the Truckee River Operating Agreement (TROA) and he hoped the Board could engage in discussions with Reno and Sparks about looming obligations.

Chairman Humke said the District Court formed a Pre-Trial Release Committee, which he thought would help reinvigorate the Criminal Justice Advisory Committee. He expressed concern about plans for dealing with communicable diseases at the Detention Center at 911 Parr Boulevard and asked for presentations from both the Health Department and the Regional Emergency Medical Services Authority (REMSA) regarding the issue. He wondered how long it would take to decontaminate an ambulance after someone with a communicable disease was transported and wanted to know if the Governor could give emergency powers to the Fire District medical transport authority in the event of an epidemic.

Mr. Slaughter reported there was information on the Washoe County website about the Enterovirus. He recommended moving Agenda Item 10C to the October 28th Board meeting so minor changes could be made to the Evacuation Policy before it was presented to the Board.

**14-0850      AGENDA ITEM 5 - RESOLUTION**

**Agenda Subject: "Resolution of Appreciation--Allayne Donnelly."**

Commissioner Hartung read and presented the Resolution to Allayne Everett-Donnelly. He thanked her for all she had done for the community and for him personally.

Ms. Everett-Donnelly thanked the Board. She said she was asked to take on the role of Recording Secretary for the County CAB (Citizen Advisory Board) program in 1995. She thanked the volunteers, who she said were the backbone of the program, and named several people who supported her along the way.

Commissioner Weber thanked Ms. Everett-Donnelly for her service and said it would not be the same without her.

Chairman Humke thanked Ms. Everett-Donnelly and said she was a good parliamentarian who understood Open Meeting Law and democratic procedures.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

**14-0851      AGENDA ITEM 6 – PROCLAMATION**

**Agenda Subject: “Proclamation--October 29, 2014 celebrating 25th Anniversary of Keep Truckee Meadows Beautiful. Requested by Commissioner Weber.”**

Commissioner Weber read and presented the Proclamation to Jennifer Fonda, President of Keep Truckee Meadows Beautiful (KTMB). She said KTMB had been in existence for 25 years and did great things for the community.

Ms. Fonda thanked the Board for their support. She said there were over 4,000 volunteers who came out to events, which included projects such as cleaning the river and illegal dumping in open spaces, recycling Christmas trees, phone book recycling, youth education and “Make a Difference Day”. She said the 25th anniversary celebration would take place at Great Basin’s bottling facility on October 29th.

Commissioner Weber said the organization was really important. She said she was excited about the anniversary celebration and hoped people would attend and donate.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbighler, which motion duly carried, it was ordered that Agenda Item 6 be adopted.

**14-0852      AGENDA ITEM 7 – PROCLAMATION**

**Agenda Subject: “Proclamation--October 11, 2014 as National Coming Out Day. Requested by Commissioner Jung.”**

Commissioner Jung read the Proclamation. She thought it was great timing because it was recently determined that gay marriage would be recognized in the State.

Levi Hooper stated his support for the Proclamation.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 7 be adopted.

**14-0853      AGENDA ITEM 8 – PROCLAMATION**

**Agenda Subject: “Proclamation--October 2014 as National Community Planning Month in Washoe County.”**

Commissioner Berkbigler read and presented the Proclamation to Bill Whitney, Washoe County Director of Planning and Development. She said she appreciated Mr. Whitney for walking her through many issues.

Mr. Whitney said the Nevada Planning Association conference was being held in Las Vegas this year. He said the American Planning Association (APA) sponsored Community Planning Month, which was about visibility of the important role of planning in communities across the Country. He said seven Ukrainian planning professionals had come to visit the County. They were sponsored by the United States State Department under the International Visitor Leadership Program. He said the visitors wanted to learn about best practices in land governments in the United States and he thought the visit resulted in a good exchange of information. He thanked the Board for the Proclamation.

Commissioner Berkbigler made a motion to adopt the Proclamation. The motion was seconded by Commissioner Hartung.

Sam Dehne talked about the importance of planning.

**11:18 a.m.** Commissioner Berkbigler left the meeting during public comment.

On call for the question, the motion passed on a vote of 4 to 0, with Commissioner Berkbigler absent.

**11:22 a.m.** Commissioner Berkbigler returned to the meeting.

**14-0854 AGENDA ITEM 9 - PROCLAMATION**

**Agenda Subject: "Proclamation--October 2014 as Fire Prevention Month."**

Chairman Humke read and presented the Proclamation to Fire Chief Charles Moore of the Truckee Meadows Fire Protection District (TMFPD).

Fire Chief Moore said most home fire fatalities happened while people were sleeping and working smoke detectors was the key to survival. He was pleased to announce a new program to ensure every home in northern Nevada had smoke detectors and introduced Clara Andriola, Regional CEO of the American Red Cross.

Ms. Andriola thanked the Board, Fire Chief Moore and TMFPD Fire Marshal Amy Ray for their support. She said seven people died every day from house fires and that 60 percent of those deaths could have been prevented by working smoke detectors. She was grateful to the County and the Fire Chief for assisting the Red Cross in getting information out to the public. She said on October 11th volunteers reached out to over 900 residents and they would be going back out on October 18th to install 112 smoke detectors. She said the Red Cross had a five year plan to reduce serious injuries and deaths by 25 percent and she was looking forward to continuing the campaign.

There was no public comment on this item.

On motion by Commissioner Berkgigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be adopted.

**CONSENT ITEMS – ITEMS 10A – 10O**

John Slaughter, County Manager, requested that Agenda Item 10C, regarding Washoe County Evacuation Policy and Procedures, be pulled from the agenda and moved to the October 28th meeting.

**14-0855      AGENDA ITEM 10A**

**Agenda Subject:** “Approve minutes for the Board of County Commissioners’ September 9, 2014 meeting.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10A be approved.

**14-0856      AGENDA ITEM 10B - ASSESSOR**

**Agenda Subject:** “Acknowledge receipt of Change Log for the 2014/2015 Assessment Roll that results in a net increase of \$242,435,431 in assessed values. [Copy of log on file in County Manager's Office] (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10B be acknowledged.

**14-0857      AGENDA ITEM 10D – 800 MHZ JOINT OPERATING COMMITTEE/TECHNOLOGY SERVICES**

**Agenda Subject:** “Approve Washoe County Regional Communication System Interlocal Agreement, as amended October 2014, between Washoe County, the Washoe County School District, the Nevada Department of Transportation, the City of Reno, the City of Sparks and the Truckee Meadows Fire Protection District to provide for the continued development and operation of the Washoe County Regional Communications System (WCRCS) as recommended by the 800 MHz Joint Operating Committee on 4/18/2014. The participating agencies have operated and do now operate a trunked radio communication system for public safety and other services in the County of Washoe. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10D be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**14-0858      AGENDA ITEM 10E - COMPTROLLER**

**Agenda Subject:** "Authorize the tax collector to strike names and amounts identified on delinquency/uncollectible personal property tax list for fiscal years 1991 through 2014 [totaling \$36,695.24]. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10E be authorized.

**14-0859      AGENDA ITEM 10F – JUVENILE SERVICES**

**Agenda Subject:** "Approve the FFY 2014 Office of Juvenile Justice and Delinquency Prevention (OJJDP) Title II Formula Grant [\$58,588, no County match] to fund the Mental Health Services Coordination Program from the Nevada Juvenile Justice Commission retroactive from July 1, 2014 through June 30, 2015; and direct the Comptroller to make the necessary budget adjustments. (All Commission Districts.)"

Chairman Humke disclosed that, as a member of the Nevada Juvenile Justice Commission, he voted for the grant funds to go to the Juvenile Services Department.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10F be approved and directed.

**14-0860      AGENDA ITEM 10G – SENIOR SERVICES**

**Agenda Subject:** "Accept grant awards from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Equipment [\$3,580, match of \$632 from ad valorem tax] and Nutrition Vehicle Purchase [\$38,783 match of \$6,845 from ad valorem tax]; retroactive from September 29, 2014 through March 31, 2015; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.



On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10G be accepted and directed.

**14-0861      AGENDA ITEM 10H - TREASURER**

**Agenda Subject:** "Authorize Washoe County Treasurer to auction all newly delinquent lands held in trust for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property with the exception of those parcels listed on Exhibit "A" and approve and execute the Resolution Authorizing the Washoe County Treasurer to Transfer to Other Governmental Entities, Real Property held in Trust Due to Property Tax Delinquencies and Other Matters Properly Related Thereto. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10H be authorized, approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**14-0862      AGENDA ITEM 10I(1) - DISTRICT COURT**

**Agenda Subject:** "Retroactively acknowledge the agreement to accept a direct grant award from the Office of Traffic Safety [\$25,000, \$25,000 in-kind match required] for one year beginning October 1, 2014 to September 30, 2015; and authorize the Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10I(1) be acknowledged and authorized.

**14-0863      AGENDA ITEM 10I (2) - DISTRICT COURT**

**Agenda Subject:** "Approve the creation of one full-time Administrative Secretary I/II position for the Second Judicial District Court and reclassify one full-time District Court Clerk II vacant position (70000537) for this purpose effective October 14, 2014, at no additional expense; and direct Human Resources and the Comptroller's Office to make the necessary adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10I(2) be approved and directed.

**14-0864      AGENDA ITEM 10I(3) – DISTRICT COURT**

**Agenda Subject:** “Approve the creation of two full-time Case Compliance Specialist positions for the Second Judicial District Court and reclassify full-time District Court Clerk II vacant positions (70000562 and 70000586) for this purpose effective October 14, 2014, at no additional expense; and direct Human Resources and the Comptroller’s Office to make the necessary adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10I(3) be approved and directed.

**14-0865      AGENDA ITEM 10J(1) – COMMUNITY SERVICES**

**Agenda Subject:** “Adopt a Resolution to donate one surplus groundwater monitoring well (CTM40S) from the Remediation District Program of the Community Services Department to the United States Geological Survey in accordance with NRS 244.1505, Section 2(a); and providing other matters properly related thereto. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(1) be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

**14-0866      AGENDA ITEM 10J(2) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve Agreement between Washoe County and Bon Vivant Reno to hold the Bon Vivant Festival at Rancho San Rafael Regional Park on May 29-31, 2015, with a renewal option for 2016 and 2017. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Hartung seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(2) be approved.

**14-0867      AGENDA ITEM 10J(3) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve an Interlocal Cooperative Agreement approving RTC Program of Projects between Washoe County, City of Reno, City of Sparks and the Regional Transportation Commission (RTC) for projects included in the RTC’s Fiscal Year 2015/2016 Regional Road Impact Fee Street and Highway Program of Projects, and the Fiscal Year 2015/2016 Fuel Tax Street and Highway Program of Projects. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(3) be approved. The Interlocal Cooperative Agreement for same is attached hereto and made a part of the minutes thereof.

**14-0868      AGENDA ITEM 10J(4) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve the Fourth Amendment to the Interlocal Agreement, retroactive to July 1, 2014, between the Western Regional Water Commission, Truckee Meadows Water Authority (TMWA) and Washoe County for reimbursement of certain expenses incurred for the integration/consolidation of the Washoe County Water Utility with TMWA and merger of the South Truckee Meadows General Improvement District into TMWA concurrently with the integration/consolidation of TMWA and the Washoe County Water Utility. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(4) be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**14-0869      AGENDA ITEM 10J(5) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve Restated and Amended Real Property Reconveyance and Sale Agreement between Washoe County (seller) and Pyramid Urban Achievers, LLC (buyer) regarding 6.377-acres in Spanish Springs (commonly known as a portion of Sky Ranch Park, APN 534-091-06); and authorize Community Services Department Director to act on behalf of Washoe County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, amendments, notices, escrow instructions, deeds, as may be necessary or appropriate to accomplish the property reconveyance. (Commission District 4.)”

Commissioner Hartung asked staff to give a brief explanation of this item, as well as Agenda Item 10J(6), since there was concern about the loss of a park in Spanish Springs.

Jennifer Budge, Park Planner, spoke about Agenda Items 10J(5) and 10J(6) regarding Sky Ranch Park. She said there had been numerous steps taken with regard to the disposal of the property and it was a complicated process, which had been going on for years. There were many discussions about safety concerns due to the park's location. She said when the park was constructed in the 1980s there were agricultural areas surrounding the park; however, circumstances had changed and the park was now located at the corner of a very busy intersection. She said concerns were that balls would roll out onto the roadways and children would try to cross Pyramid Highway to get to the 7-Eleven. As the result of those concerns, the Board declared the maintenance of Sky Ranch Park to be burdensome and arranged for the relocation of park use to Eagle Canyon Park, where additional ball parks were constructed. She explained Agenda Item 10J(5) was for the request of a deadline extension to the previous sale agreement for parcel one because the buyer wanted more time to get the parcel rezoned to neighborhood commercial use; and Agenda Item 10J(6) was for approval of the sale of parcel two for \$60,000.

Commissioner Hartung asked Ms. Budge to talk about plans for existing Sky Ranch Park equipment. Ms. Budge said revenue from the sale of the park would go back into Park District 2C after it was transferred from the general fund to be used for future park development. She reported that usable equipment had, either already been removed and relocated to other parks within the park district, or were going to be used as parts for park maintenance. She said the park was still open and available for use by the public and would be usable until the agreements closed or until the buyer decided to start clearing the land and gave proper notice to the County. Commissioner Hartung wanted to know if Sky Ranch Park was in the City of Sparks or in the County and if it resided within the Sparks Sphere of Influence (SOI). Ms. Budge said the park was located within the County and bordered the Sparks SOI and the City of Sparks. She said it was not an annexed property and the buyer was not interested in pursuing annexation into the City of Sparks.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(5) be approved and authorized.

**14-0870      AGENDA ITEM 10J(6) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve Real Property Purchase and Sale Agreement between Washoe County (seller) and Pyramid Urban Achievers, LLC (buyer) [\$60,000] regarding 3.202-acres in Spanish Springs (commonly known as a portion of Sky Ranch Park, APN 534-091-07); authorize Community Services Department Director

to act on behalf of Washoe County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, amendments, notices, escrow instructions, deeds, as may be necessary or appropriate to accomplish the property sale; direct staff to restore sale proceeds to Parks Capital Fund 404-4415; and authorize Comptroller to make the appropriate budget adjustments. (Commission District 4.)”

See the discussion for Agenda Item 10J(5).

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10J(5) be approved, authorized and directed.

**14-0871      AGENDA ITEM 10K(1) – HEALTH DISTRICT**

**Agenda Subject:** “Approve amendments [increase of \$32,241] in both revenue and expense to the FY15 Ryan White CARE Act Program – Outreach Services Federal Grant Program, IO 11201; and direct the Comptroller’s Office to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10K(1) be approved and directed.

**14-0872      AGENDA ITEM 10K(2) – HEALTH DISTRICT**

**Agenda Subject:** “Approve amendments [increase of \$60,802] in both revenue and expense to the FY15 Ryan White CARE Act Program – Health Education/Risk Reduction Federal Grant Program, IO 11147; and direct the Comptroller’s Office to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10K(2) be approved and directed.

**14-0873      AGENDA ITEM 10L(1) - MANAGER**

**Agenda Subject:** “Accept a 2014 Nevada State Emergency Response Commission, Hazardous Materials Emergency Preparedness Training grant [\$5,850, no County match required] retroactive for the period of September 2, 2014 through October

24, 2014; and direct the Comptroller's Office to make the appropriate budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10L(1) be accepted and directed.

**14-0874      AGENDA ITEM 10L(2) - MANAGER**

**Agenda Subject:** "Approve and adopt Resolution changing the East Truckee Canyon Citizen Advisory Board to 5 At-Large Members, and 2 At-Large Alternates positions, appointed by the County Commissioner for District 4 that together represents a broad area within the district. (Commission District 4.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10L(2) be approved and adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

**14-0875      AGENDA ITEM 10M(1) - SHERIFF**

**Agenda Subject:** "Approve supplemental funding from the US Department of Justice, United States Attorney, Organized Crime Drug Enforcement Task Force (OCDETF) for reimbursement of overtime costs incurred while involved in the investigation of OCDETF Initiative number PA-NV-0266. Supplemental funding [not to exceed \$5,000, no match required], retroactively to FFY 10/1/13-9/30/14; and direct the Comptroller to make the necessary budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10M(1) be approved and directed.

**14-0876      AGENDA ITEM 10M(2) - SHERIFF**

**Agenda Subject:** "Approve acceptance of up to [\$34,748.50, no match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Northern Nevada Child Exploitation Task Force (NNCETF). Washoe County will be reimbursed for overtime and benefit costs directly related to

activities in conjunction with the FBI NNCETF. Funds are available retroactively from 10/1/14-9/30/15. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10M(2) be approved.

**14-0877      AGENDA ITEM 10M(3) - SHERIFF**

**Agenda Subject:** “Approve acceptance of up to [\$17,374.25; no match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI JTTF. Funds are retroactively available from 10/1/14-9/30/15. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10M(3) be approved.

**14-0878      AGENDA ITEM 10M(4) - SHERIFF**

**Agenda Subject:** “Approve receipt of Fiscal Year 2014 Local Edward Byrne Memorial Justice Assistance Grant (JAG) funds [\$46,716.80, no match required] sub granted through Reno Police Department, for purchase of Law Enforcement equipment, Law Enforcement related training and travel, and overtime and approve updated Interlocal Agreement between the City of Reno, on behalf of the Reno Police Department and Washoe County, on behalf of the Washoe County Sheriff's Office for the Management and Disposition of 2014 Justice Assistance Grant (JAG) Program Award; and direct Comptroller's Office to make the necessary budget adjustments. Grant period is retroactive to 10/1/13 through 9/30/17. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10M(4) be approved and directed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**14-0879      AGENDA ITEM 10M(5) - SHERIFF**

**Agenda Subject:** “Approve a sub grant award [\$35,000, no match required] from the Nevada Division of Emergency Management, FFY 2014, Project number

97067HL4, to the Washoe County Sheriff's Office for the Citizen Corps Program. Grant term is retroactive from September 1, 2014 through March 31, 2016. Direct the Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)"

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10M(5) be approved and directed.

**14-0880      AGENDA ITEM 10N(1) – SOCIAL SERVICES**

**Agenda Subject:** "Acknowledge receipt of the Community-based Veterans Services Program Status Report. (All Commission Districts.)"

Ken Retterath, Interim Director of Social Services, offered a status report of the community-based Veterans Services Program. He reported it was going very well. He said the program made contact with over 700 veterans in the community and more than 191 claims had been written.

Kyle Scott, Director of the Northern Nevada Veterans Resource Center, introduced some members of his team including two Veterans Services Officers and the new Regional Director. He also introduced, Homer Goddard, a World War II veteran, whom he thought the Board would like to hear from regarding his experiences with the program.

Mr. Goddard addressed the Board and explained he was 92 years old. He said his Service Officer filed a claim for him, helped him get to an emergency doctor and assisted him in obtaining a primary care physician. He said he sometimes needed assistance because of his age and the program helped him a great deal.

Mr. Scott said the program, not only assisted in the filing of claims, but helped about 400 veterans with other things like obtaining or upgrading discharge paperwork and obtaining citizenship. He thought the program was successful.

Commissioner Hartung and Commissioner Berkbigler thanked Mr. Goddard for his service. Chairman Humke said the program assisted people who fought for their Country in the battlefield and he thanked those involved in the program.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10N(1) be acknowledged.



**14-0881      AGENDA ITEM 10N(2) – SOCIAL SERVICES**

**Agenda Subject:** “Approve abolishing a vacant part-time (.53 FTE) fully-benefitted CPS Intake Screener PC# 70001063 and authorize a part-time (.53 FTE) fully-benefitted CPS Intake Screener PC# 70001064 to increase hours to a full time (1.0 FTE) fully-benefitted position effective November 1, 2014. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10N(2) be approved.

**14-0882      AGENDA ITEM 10O - SHERIFF**

**Agenda Subject:** “Accept donation [\$600] from Ryan L. Souza to the County of Washoe on behalf of the Washoe County Sheriff’s Office to purchase equipment for the K-9 Unit and authorize Comptroller’s Office to make the appropriate budget adjustments. (All Commission Districts.)”

Commissioner Jung acknowledged Ryan Souza’s generous gift. She noted Mr. Souza was an Office Assistant II with the Washoe County Sheriff’s office and that this was his third donation to the County, which totaled \$1,700. She noted Commissioner Hartung made a request for a special presentation to recognize Mr. Souza for his generosity in a formal way. Commissioner Hartung asked the County Manager if it could be arranged to also have members of the Canine Unit come before the Board at the same time.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10O be accepted and authorized.

**14-0883      AGENDA ITEM 11**

**Agenda Subject:** “Appearance: Amy Cummings, Regional Transportation Commission, Director of Planning. Update on Sun Valley Boulevard Corridor Study.”

Amy Cummings, Director of Planning with the Regional Transportation Commission, brought a presentation showing design options for the Sun Valley Boulevard corridor, which was placed on file with the Clerk. She said the study had been in the works for about a year and received great input from the community through a series of workshops. She explained the key issue was safety for pedestrians and bicyclists in dangerous intersections.

A series of recommendations were specifically identified in the presentation and included crosswalk improvements, the installation of pedestrian-activated rapid-flashing beacons, roadway realignment, roadway re-striping, drainage improvements, the relocation of bus stops and the installation of sidewalks. She invited questions from the Board and said plans were being made to schedule a presentation to the Sun Valley General Improvement District (SVGID). She said the study would be going back to the Regional Transportation Commission (RTC) Board in November.

Chairman Humke noted that costs were clearly identified in the presentation.

Commissioner Hartung asked Ms. Cummings if any issues had been identified at Reno Fire Station Number 15 with regard to traffic problems specifically with fire trucks getting in and out of the area. Ms. Cummings replied that could be looked at more closely but no concerns had been raised.

Commissioner Weber said there was a part of Sun Valley Boulevard that was owned by the State. She thought there was some discussion about arranging an exchange with the State, so that all of Sun Valley Boulevard could be controlled by the County. She thought it would be a good time to revisit the idea.

There was no action taken on this item.

**BLOCK VOTE – AGENDA ITEMS 16, 17, 18 AND 24**

**14-0884      AGENDA ITEM 16 - SHERIFF**

**Agenda Subject:** “Recommendation to approve a sub grant award [\$205,238, no match required] from the Nevada Division of Emergency Management, FFY 2014, Project number 97067HL4 to the Washoe County Sheriff’s Office for Cyber Security. Grant terms retroactive from September 1, 2014 through March 31, 2016; and direct the Comptroller’s Office to make the necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkigler, which motion duly carried, it was ordered that Agenda Item 16 be approved and directed.

**14-0885      AGENDA ITEM 17 – 911 EMERGENCY RESPONSE ADVISORY COMMITTEE/TECHNOLOGY SERVICES.**

**Agenda Subject:** “Recommendation to approve E911 funding to replace 100 aging 800MHz Public Safety hand-held radios used by Public Safety Field Officers

receiving dispatched 911 calls from any of the three primary Public Safety Answering Points (PSAPs) [not to exceed \$275,000. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 17 be approved.

**14-0886      AGENDA ITEM 18 – TECHNOLOGY SERVICES**

**Agenda Subject:** “Recommendation to approve the Agreement between Washoe County and Porter Lee Corporation for the sole source purchase of LIMSWeb forensic science case management software to be licensed and installed for the Washoe County Sheriff’s Office Forensic Science Division (including licensing, system configuration, report creation, project management, data conversion and first year maintenance and support [not to exceed \$353,015] to be funded by Technology Services’ Capital Improvements Fund PW920203 Application Infrastructure Preservation. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 18 be approved.

**14-0887      AGENDA ITEM 24 – COMMUNITY SERVICES**

**Agenda Subject:** “Recommendation to approve vehicle purchases for Building & Safety [\$101,984.83]; and adopt a Resolution to augment the budget of the Washoe County Building and Safety Enterprise Fund in the amount of \$30,000; and direct the Comptroller’s Office to make the appropriate adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 24 be approved, adopted and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**14-0888      AGENDA ITEM 12 - MANAGER**

**Agenda Subject:** “Discussion and direction to staff regarding options for the allocation of fiscal year 2014-15 Special Purpose funds to include County Commission Special District Funds. (All Commission Districts.)”

Gabriel Enfield, Grants Administrator, appeared at the request of the Board to talk about the Community Support Program and options for alternative

allocations for the special purpose grants. She submitted a PowerPoint presentation, which was placed on file with the Clerk. She explained the special purpose grants were primarily for public and governmental entities and said the County also provided grants for human services, which were for non-profit organizations. She said, in the past, human services grants had been done through the Human Services Consortium, which disbanded in 2011.

Ms. Enfield said special purpose grants had significantly decreased over the past several years, partly due to the fact that some of them were moved from special purpose general funds to other areas, such as indigent funds and community special projects. She noted the proposed special purpose grant funding for fiscal year 2014-2015 was \$162,300.

Ms. Enfield showed the breakdown of how the funds were distributed between several entities and talked about grant award history. She said she was asked to come back to the Board with alternatives for special purpose grant awards that included the commission district's special funding accounts. She talked about the guidelines for commission district accounts and presented three options for grant award allocation. She explained that each scenario included mandated funding for the Tahoe Regional Planning Agency and Silver State Housing.

Ms. Enfield explained that in addition to supporting the mandated awards, option number one would re-establish the district special funding accounts, which would amount to \$22,360 per district. Option two provided for the support of three economic development entities and the re-establishment of the district funding accounts for \$12,000 per district. Option three would leave \$11,800 up to the discretion of the Board after mandates were fulfilled.

Commissioner Berkbigler said she would recommend choosing option two because she thought it was important to continue to support the Economic Development Authority of Western Nevada (EDAWN). She wondered why the County was supporting the Western Nevada Development District because she said they were not effective within the footprint of Washoe County.

Commissioner Weber said she knew five counties were contributing to the V&T Railroad, which she said was mandated by the State. She wanted to know if the Manager's office gave Ms. Enfield direction in regards to that.

Ms. Enfield said statute required the five counties to contribute to the degree that they benefit from the railroad and that Lyon County recently determined that they did not benefit from it. She said she did not have an opportunity to review what the other counties were paying and she was just beginning to do that research.

Commissioner Weber said she knew the attorney for the V&T Railroad sent letters, which indicated they would be pursuing the issue.

John Slaughter, County Manager, said Washoe County provided a fairly large sum of money to the V&T Railroad in the past and was attempting to determine how that translated to a yearly average in comparison to what other counties were contributing. He said the issue was being reviewed and would be coming back to the Board at a later date.

Commissioner Weber said she was just wondering what the County's role would be and whether it was mandated or not. She knew V&T Railroad representatives were planning to come before the Board after the first of the year to discuss the issue.

Commissioner Berkbigler said she felt strongly that changes should be made with regard to grant funding distribution and made a motion to choose option two with removal of the funding for the Western Nevada Development District. There was no seconder to that motion.

Commissioner Hartung said he knew the Tahoe Prosperity Center had great needs, but the Sparks Senior Center, which was in his District, was also desperate for every penny it could get. He asked the County Manager if the County supported EDAWN in any other way than through the grant funding. Mr. Slaughter said this was the only way the County supported EDAWN.

Commissioner Hartung asked who mandated County support of the Tahoe Regional Planning Agency and Ms. Enfield replied it was a Congressional mandate. Commissioner Hartung said if the Board chose option two, he would like to see the removal of funding for the Tahoe Prosperity Center and the Western Nevada Development District.

Chairman Humke noted the proposed County contribution to EDAWN was \$41,300 and he thought it would be helpful to find out more about how that entity was funded and what their total budget was.

Commissioner Weber said she supported district accounts for each of the five districts. She thought there were projects in each of the five districts that could use the support and said the Commissioners knew what those needs were. She said she supported option two with the removal of funding for the Western Nevada Development District and the Tahoe Prosperity Center.

Commissioner Jung agreed with Commissioner Hartung and Commissioner Weber and did not think the County needed to fund the Tahoe Prosperity Center or the Western Nevada Development District. She said she also agreed with Chairman Humke and thought having budget information from EDAWN would be helpful. She thought EDAWN had an important role to play and wondered how much they needed the County's support. She thought the money might be better spent directly on citizen services. She said she would support moving forward with Commissioner Hartung's proposal for option two with the removal of funding for the Tahoe Prosperity

Center and the Western Nevada Development District and would like to reconsider the funding for EDAWN in the next funding cycle.

Commissioner Berkgigler stated her support of Commissioner Hartung's proposal. She thought the Board should continue to support EDAWN because it gave the County the opportunity to have a member on the EDAWN Board and work more closely with them.

Commissioner Hartung remarked he would like to see what sister counties were contributing. He said EDAWN was a regional resource and he agreed with Commissioner Berkgigler that Washoe County should continue to have a seat on the EDAWN Board. He thought EDAWN was instrumental in bringing important businesses to northern Nevada.

Chairman Humke thought county boundary lines were not being considered and re-stated his interest in reviewing EDAWN's overall budget. He was curious about why the County was continuing to fund the Silver State Housing Council (SSHC).

Ms. Enfield said the SSHC was linked to United States Department of Housing and Urban Development (HUD) funding, which the County received through the Community Development Block Grant Program (CDBG). She said SSHC was statewide and that Reno and Sparks also contributed to it. Chairman Humke said he did not see a grant allocation option which did not include the SSHC and wanted to know why the County had to contribute to the program. Ms. Enfield replied that if the County was going to continue to be a recipient of HUD funding, it had an obligation to further fair housing; and funding the SSHC was the most cost efficient way to accomplish that. Chairman Humke acknowledged her explanation; however, he thought there were other ways to meet the obligation and he would like to see the overall budget for SSHC. Ms. Enfield said she might be able to provide that information. Chairman Humke thought it was a hopelessly complicated system and wondered if counsel could shed some light on it.

Paul Lipparelli, Legal Counsel, said the purpose of the agenda item was meant to give direction to staff. He said the issue would have to come back before the Board for formal action on a Resolution, which would establish a system and a final decision on the numbers. He said the Board was not in a position to make a decision with regard to specific grant recipients and he thought staff was looking for policy direction. He said State law dictated that a resolution regarding grant money allocation would have to be adopted with stated conditions and public purpose. He thought there was more work to be done on the issue before the Board would be in a position to make a final decision.

Mr. Slaughter said there were a number of ways to meet the mandate to further fair housing, which was necessary for the County to receive CDBG funding. He said past practice was to fund SSHC, which was an easy and efficient way to show the County was meeting that obligation.

Commissioner Weber asked how the base budget for the special purpose awards was determined. Ms. Enfield said the budget amount was approved by the Board and was based on the prior year's budget. Commissioner Weber thought there should be more discussion about how the budget was determined. Mr. Slaughter said the purpose of the agenda item was to review the process and obtain Board direction.

Ms. Enfield said there were guidelines in place, which required the district funds to be removed from the special purpose funds when there were across-the-board budget cuts. Chairman Humke said the guidelines were appropriate, but wondered why it was so difficult to restore the district funds.

Commissioner Hartung made a motion to support the mandated awards to the Tahoe Regional Planning Agency Compact and Silver State Fair Housing; and to continue supporting EDAWN; to remove support from the Tahoe Prosperity Center and the Western Nevada Development District; with the remainder of the grant money going to the Commission District's special funding accounts. Commissioner Jung seconded the motion.

Mr. Lipparelli stated the motion was direction to staff to make those adjustments to the grant allocations and bring the item back to the Board for final approval. Chairman Humke and Commissioner Hartung agreed with that statement.

There was no public comment on this item.

On call for the question, the motion passed on a 5-0 vote.

**14-0889      AGENDA ITEM 13 - COMPTROLLER**

**Agenda Subject: "Recommendation to award Washoe County Request for Proposal No. 2901-14 for Office Supplies to up to three qualified proposers, Office Depot/Max, Metro Office Solutions, and It's My Community Store, who will provide office supplies and copy paper to various County departments on an as-required basis for a one year period, with the County retaining two single year renewal options [estimated annual amount \$570,000]. (All Commission Districts.)"**

Kevin Schiller said three proposers came forward to bid, which were Office Depot/Max (ODM), Metro Office Solutions (Metro) and It's My Community Store (IMCS). He said the proposal process involved a review of pricing for the 200 most used items to identify average costs and there was approximately a five percent difference in product cost between the three entities. He explained Office Depot/Max and Metro Office Solutions offered the lowest prices, but It's My Community Store was competitive in the proposal process because they represented a local entity and were part of the Emerging Small Business (ESB) certification program through the Governor's Office. He said the ICMS proposal also provided for charitable contributions of two to eight percent. He noted the recommendation of the staff report allowed for action by the Board to award up to three proposers and said the intent was to allow the Board to choose multiple providers

in order to create competitive pricing between them and to give departments more choices.

Commissioner Berkbigler noted ODM and Metro were located outside the State, which meant that if the County chose either of those two services, the money would be going outside the State. She said ICMS was located within Nevada and she felt strongly that jobs and money should stay in the State.

Commissioner Berkbigler made a motion to award the contract to ICMS; Commissioner Weber seconded the motion.

Commissioner Hartung stated his agreement with the motion and said he preferred supporting local businesses.

Chairman Humke asked for Mr. Lipparelli's opinion about the motion because it deviated from staff's suggestion. Paul Lipparelli, Legal Counsel, said the County asked for qualified proposers and that price alone was not the basis for qualification. He said the Board made findings as to other factors it found important and could make a different finding than the suggested motion in the staff report.

Commissioner Hartung, said the staff report indicated there was a choice of up to three qualified proposers and he thought that meant the Board could choose. He thought Commissioner Berkbigler's motion was valid.

There was no public comment on this item.

On call for the question, the motion passed on a vote of 5-0.

**14-0890      AGENDA ITEM 15 - SHERIFF**

**Agenda Subject: "Recommendation to approve a direct grant award from the National Institute of Justice (NIJ) FFY2014 DNA Backlog Reduction Program grant Project No 2014-DN-BX-0029 [\$325,430, no County match required] for the DNA Backlog Reduction Program; grant period is retroactive from 10/1/14 – 9/30/16; and authorize Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)"**

Rene Romero, Crime Lab Director, thanked the Board for recognizing the importance of the DNA backlog reduction grant. She said the grant process evolved to allow the Crime Lab to be proactive and apply for grant money based on a projection of samples they would receive. She noted a change in the law allowed for the testing of individuals who were arrested for felonies and said the grant would support the testing of those samples. She said the turn-around time for getting results into the database was 45 days.

Chairman Humke asked if the forensic lab was subsidizing other outlying counties for DNA testing and if that would still occur under the grant. Ms. Romero said



they did not charge for convicted offender or arrestee testing. She said the service was covered under funding mechanisms that were in the law and with grant money.

Chairman Humke said he understood the crime lab would not charge in the case of an alleged crime by an offender in Washoe County, but wanted to know if that was the case for offenders in Lyon County and Mineral County. Ms. Romero answered they did not charge any counties for offender testing. She said the crime lab earned \$4.6 million in grant money since 1997 to support the program.

Chairman Humke asked if the County recovered funds expended on convicted offender testing for other counties. Ms. Romero answered in the affirmative.

Commissioner Hartung wanted to know if the samples collected went into a national database and Ms. Romero replied that the offender samples went into the Combined DNA Index System (CODIS).

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 15 be approved and authorized.

**14-0891      AGENDA ITEM 25 - MANAGER**

**Agenda Subject: "Presentations on Feral Cat Management, by the Nevada Humane Society and the State of Nevada, Department of Wildlife and possible direction to staff on related policy matters. (All Commission Districts.)"**

Kevin Schiller, Assistant County Manager and Acting Director of Washoe County Regional Animal Services (WCRAS), reviewed the County's participation in the feral cat management program with Community Cats, as outlined in the staff report dated October 1, 2014 under the Background heading. He noted Community Cats transitioned the program to the Nevada Humane Society (NHS) in 2009, where it was privately funded.

Mr. Schiller stated a public records request by the NHS specific to the database system used by WCRAS to track the locations of the feral cats led to Terry Shea, Deputy District Attorney, issuing an opinion based on the Nevada Revised Statute (NRS) on abandonment. He said Mr. Shea's opinion stated the County was mandated to accept those cats as their caretaker; however, releasing them back to the location where they were found meant the County would be participating in their abandonment.

Mr. Schiller stated while researching options, aside from a change to the abandonment statute that might occur during the next Legislative session, the key component was the caretaker of the animal. He stated other jurisdictions around the country participated with a provider who worked with the caretaker of the colony who

would then manage the colony, thereby avoiding the issue of abandonment. He said currently traps were given to the public with the County and the NHS accepting the trapped animals. He stated based on the abandonment definition and Mr. Shea's opinion, staff could look at possible caretaker colonies if that was something the Board wanted to move towards. He said any legislative changes to the abandonment definition would pass down to the County's Code.

Mr. Schiller said what was apparent during the discussion of this issue was people held very passionate beliefs about it. He stated there had been public workshops regarding animal services with the final workshop being held on October 1st. He said the public showed there was two schools of thought regarding what should be done.

Kevin Ryan, NHS Chief Executive Officer, conducted a PowerPoint presentation highlighting Washoe County's Trap, Neuter, Return, Manage (TNRM) program; Washoe County lifesaving; the NHS adoptions; the 93 percent live release rate; the free-roaming cat dynamics; traditional management, trap and kill data and experience led to shift in animal control; TNRM; the benefits of TNRM; TNR successes; Utah's Community Cat Act; the financial reality; cats are not a primary threat to birds or wildlife; NHS provides deterrents; the liability; good sense = good policy; Washoe County-a national model; the combined WCRAS and NHS cat intake; the caretaker registry; abandonment; and, there is only one answer. A copy of the presentation was placed on file with the Clerk.

Laura Richards, Wildlife Diversity Division Chief for the Nevada Department of Wildlife (NDOW), said her support material included a policy statement from the Wildlife Society, which was a nonprofit scientific and educational association of nearly 11,000 wildlife professionals dedicated to excellence in wildlife stewardship through science and education. She stated domestic cats were considered to be an exotic species in North America, and exotic species were considered to be a serious threat to the integrity of native wildlife populations and the natural ecosystems. She stated the impact on wildlife by domestic cats was difficult to quantify, but there was a growing body of evidence that strongly suggested domestic cats were a significant factor in the mortality of small mammals, birds, reptiles, and amphibians. She said feeding the cats did not deter them from killing wildlife, and they often did not eat what they killed. She discussed the life of feral and free-roaming cats.

Ms. Richards said the Board's packet contained a recent study in conservation biology titled, "Critical Assessment of Claims Regarding Management of Feral Cats by Trap-Neuter-Return," which looked at the common TNR claims. She stated a review of the relevant literature revealed those claims were not true, and the authors of the study noted those programs usually did not receive the normal level of environmental analysis done for projects with potentially adverse environmental impacts. She advised feral cats could spread diseases and parasites to humans and wildlife. She noted the Board's packet contained a policy statement from the American Veterinary Medical Association (AVMA). She stated feral cats could be damaging to the ecosystem, especially when there were unnaturally high numbers of cats created by a human-

managed community. She noted also in the Board's packet was a resolution adopted by the Nevada Board of Wildlife Commissioners discouraging the support of feral and free-roaming cats. She stated NDOW strongly encouraged the Board to oppose supporting the TNR program in Washoe County. She said she also provided the Board with a brochure from the American Bird Conservancy about TNR, which was placed on file with the Clerk.

Commissioner Hartung said the NHS stated they wanted to trap, neuter, and release, which Washoe County could not do by law because it was considered abandonment. He asked how the NHS using TNR would fit in with the County. Mr. Shea believed it would not. He said there had been some indication the County supported that program in the past, but his opinion was due to a public records request given to the shelter for specific information and applied to the animals that were originally in the County's care, custody, and control due to the County's Code indicating there were certain ways the County could dispose of those animals. He did not think the County could use an agreement it had with the NHS for them to do something the County could not do by law.

Commissioner Hartung asked if Ms. Richards was suggesting euthanasia. Ms. Richards said their concern as wildlife biologists was about protecting native wildlife, and releasing the feral cats back into the wild had a huge impact on birds and small mammals. Commissioner Hartung asked if she was suggesting not euthanizing them or letting them go back into the wild. Ms. Richards replied that was correct.

Commissioner Berkbighler said there would be a huge cost to housing the trapped feral cats, but she could not accept them being euthanized. She asked what the County would be able to do if the County could not participate in the TNR program or at least allow the trapped cats to be handled by the NHS. She said she hoped there was no one in the audience that was asking the Board to euthanize cats who were brought in just because they were strays, because she could never agree to do that. She stated the County had to come up with a way of working with the NHS, so the cats would not be euthanized. She asked how the County could legally dispose of them. Commissioner Hartung said they could be adopted. Commissioner Berkbighler said a number of people explained wild cats could not be adopted because they would not become tame.

Commissioner Jung said there had been a practice and history in the TNR policy. She stated Legal Counsel's advice to the Board was changed from what it had been since 1999 just because someone made a request for a public record. Mr. Shea said he was not aware of what legal advice had been given to the Commission prior to his opinion. He stated the abandonment of an animal created a governmental interest, which he felt outweighed the need to disclose public records. Commissioner Jung said she did not understand how that changed the law. She stated the County had been doing this all along with the blessing of the District Attorney's (DAs) Office. She said there were pamphlets published, which had to have been approved by the DAs Office, about the wonderful community service the County was providing, but that was changed arbitrarily last year due to a public records request. She stated she did not understand the legal

context of that change. Mr. Shea said his opinion regarded a public records request, and he felt the release of an animal fit under the definition of abandonment. Commissioner Jung said that opinion also changed policy, because the policy was completely different until the public records request was made. Mr. Shea stated the policy found in the Code allowed the County to legally dispose of animals in the County's custody; however, abandonment was not one of those ways. Commissioner Jung said she still did not understand why a public records request changed policy. She asked why the Commissioners were needed if a public request could change policy.

Paul Lipparelli, Legal Counsel, said he could sense Commissioner Jung's frustration. He stated from her perspective there was something happening in the community that a lot of people must have known about and was apparently working, and all of a sudden an inquiry made of Animal Services left the County with the potential of changing the policy. He said what Mr. Shea was trying to relate was he had to give his opinion when asked for it. He said when asked about records and if they could be released, it lead to the need to enquire about whether the practice of returning the animals to the place where they were picked up fit the law's definition of abandonment. He stated the DAs Office felt it did based on the way the law read right now.

Mr. Lipparelli said other jurisdictions dealt with that problem by licensing people to be colony managers. Instead of the act of returning an animal to the colony being deemed abandonment, it was returned to a colony that was being managed. He stated as a pure and simple legal matter, if someone put an animal into Animal Service's possession, the County lacked the authority under existing State law to allow people or the NHS with whom the County had a contract to put the animal back where it was found.

Commissioner Jung asked what staff's recommendation was for a workaround. Mr. Schiller said Clark County designated a caretaker and participated in that process. He stated the animal was not being abandoned if there was a contractual relationship with that caretaker to manage the colony. Commissioner Jung asked if managing the colony meant records were being kept. Mr. Schiller said he looked at the other jurisdictions and there was an entity that licensed the caretakers, which was how the colony was controlled. He stated the colony being managed meant Washoe County was not walking away from the animal. He said because of the statutory scheme involved, the caretaker approach would be the only approach that would work legally. Commissioner Jung said that approach could be a band-aid until a legislative change could be made. She stated what existed had always worked fine and was lauded, but now it was an issue. She said if the law was not good, the recommendation to the Board should be that this would be a workaround that could be done in the interim, instead of the feeling she was getting that there was no idea of what to do. She stated she could feel Commissioner Berkbigler was frustrated about what the options were. She felt it was outrageous that so much staff time had been spent on this. She felt the County should do the band-aid approach and, with the DAs help, the County should go to the Legislature to figure out a way to alter the law so it reflected modern beliefs, behaviors, and technology, as well as the research on how to manage the population.

Commissioner Weber asked if the caretaker could be the NHS. Mr. Schiller said he would have to review if that could be done, but his review had shown a nonprofit was used to establish the caretaker process. He stated by default the County had a relationship with the NHS based on the current funding scheme and on what the voters approved. He said if that was the direction he was given, he would work on a model to be brought back to the Board for approval. He said today's intent was to review the options, which would be to move toward using a caretaker or doing nothing at all.

Commissioner Weber said at last night's Citizen Advisory Board (CAB) meeting, she was approached by a member who wanted to know what the liability issues would be if an animal was not healthy and was returned to the same place where it was trapped. She agreed she did not want to see any life put down, but she wanted to look at whether the NHS could do some of the things the County could not. She asked if the public was aware of where the colonies were located and how many there were.

Robert Smith, Animal Control Supervisor, stated there were some people who worked with the NHS regarding the established colonies, which the NHS managed. He said because cats were free-roaming, Animal Services did not pick them up. He stated if a citizen trapped and brought in a cat, it was held as a stray for five days. He stated after the five days, the NHS would take approximately 97 percent of the cats to determine whether it would be adoptable, suitable for the TNR program, or to be a part of the barn-cat program. He said if a cat was released, it was spayed or neutered, ear tipped for identification, and vaccinated for rabies. He stated there had been conversations with the NHS about micro chipping the feral cats so, if they came back in, they would know where they belonged. Commissioner Weber asked if Mr. Smith just stated Animal Services did not go out and pick up the cats if someone called about them living on their property. Mr. Smith advised a cat was a free-roaming animal and was not under a leash law under the current statutes. He stated if the cat was sick, they would go out and get it, but not if it was healthy. He said 98 to 99 percent of the cats came through Animal Service's front door.

Commissioner Weber asked how many colonies there were. Mr. Ryan replied it depended on whether a colony was defined as being three cats being fed behind someone's house or 15 cats living down by the river. He stated that would be one of the challenges in colony registration. He said large colonies probably consisted of 15 to 20 cats. He stated there could be hundreds or maybe thousands of colonies of four to six cats. He said before the TNR program and regionalization, 1,800 feral cats were being euthanized.

Commissioner Weber asked how ill cats were dealt with and could the people handling the traps be infected. Mr. Ryan said he was not a community health expert, but the cats taken in for TNR were vaccinated, had a health exam before their surgery, and would be treated if the treatment was reasonable. He stated if a cat could not survive the surgery or was profoundly ill, the cat was euthanized. He imagined because of the cats being vaccinated and examined, public health was helped more by the TNR program than by avoidance.

Chairman Humke said the NHS transferred the feral cats to Community Cats, which was a nonprofit organization, and asked if that was done by contract with the NHS. Mr. Shea replied he did not know if that was the case. Chairman Humke asked if the NHS was living up to its Professional Service Agreement (PSA) with the County. Mr. Shea said there was a need to reopen the PSA for several things on each side.

Chairman Humke noted Mr. Shea wrote his opinion last December but, based on today's discussion, there appeared to be the option to wait for the Nevada Legislature. He stated the other option was to use the band-aid technique by beefing up the contract the NHS had with certain cat colony organizations to avoid the abandonment issue.

Commissioner Hartung asked if NDOW got an injured eagle, which they rehabilitated and released, would that violate State law. Mr. Shea stated NDOW operated under different rules and regulations than the County did. Commissioner Hartung said feral cats were born in the wild and were not domesticated in any way. He recognized they were not indigenous, but neither was the Chucker. He said he was trying to understand how NDOW could rehabilitate an animal or trap and release a bear to a new location because it was a nuisance. Mr. Shea stated the NDOW regulations did not enter into his opinion. Commissioner Hartung felt it was the same and NDOW would be abandoning an animal. Mr. Shea said he did not know the answer to that question.

Commissioner Berkbigler asked if the NHS could handle the colony management if the Board decided to enter into this program. Mr. Schiller said they could. Commissioner Berkbigler said she totally agreed with Commissioner Jung regarding doing a band-aid. She stated the County did not have the money to house all of the cats that would come in, and she had no stomach to euthanize them. She felt doing nothing was not an option. She did not see there was any option but to do what Commissioner Jung suggested.

Commissioner Jung felt cats were treated as wild animals in terms of whether they could be possessed. Mr. Shea said County Code required a dog to be on a leash, but there was no such requirement for a cat. Commissioner Jung suggested looking at how cats were legally different than dogs. Mr. Shea stated even if domestic cats were feral, they were not considered to be wildlife.

Chairman Humke asked what ability the County had through Animal Services to participate and monitor the NHS contracts if the Board took the band-aid approach. Mr. Schiller said based on his research with Clark County, staff would bring forward some regulatory code to support that process. Chairman Humke said if an ordinance was passed, any contract would have to comply with that ordinance. Mr. Schiller said the contract would be specifically tied to the County's responsibility regarding the welfare of the animal. Chairman Humke asked why that would be done in advance of the 2015 Legislative Session. Mr. Schiller said it would be moved forward if directed to do so by the Board. He wanted to make sure it was put on the record that he believed the Code would have to be amended. Mr. Lipparelli said in the places where

colony management worked, it was set up through ordinance. He stated there might be constitutional problems with any impairment of the contract if the County were to legislate something that was in conflict with a contractual right. He said it might be necessary to go into the contract and deal with it as opposed to unilaterally through legislation.

In response to the call for public comment, Leslie Smith felt the Board was between a rock and a hard place, and he understood Commissioner Berkbigler's abhorrence for euthanasia. He stated what the NHS neglected to highlight was there were between eight to nine thousand cats in the program, which was less than 10 percent of the free-roaming cats identified in Washoe County. He asked what would be done with the other 80,000 cats. He stated a colony seemed like a good idea, but he did not want one in his neighborhood. He said cats were pets and the abandonment law was there to protect them. He stated wildlife and domestic animals were so different. He said cats killed birds and were a real problem.

Bill Maggiora said he lived on the border of wilderness and suburbia, and he had a problem with domestic cats eating small animals, because he had seen a dramatic decrease in snakes and lizards. He said he did not know what the solution was, but it was a problem.

Chairman Humke made a motion to acknowledge the presentations by the Nevada Humane Society (NHS) and the Nevada Department of Wildlife (NDOW) and to direct staff to wait on the outcome of Mr. Sher's additional legal research and the actions of the 2015 Nevada Legislature regarding policy matters. Commissioner Hartung seconded the motion. Commissioner Hartung said he needed more information, because there would be unintended consequences no matter what direction the Board decided to go in.

Chairman Humke said he would like to see the motion pass, but there were people in the community who indicated the PSA between the NHS and Animal Services was not being performed as intended and that the County was not policing that contract. He stated the motion was not directed at taking no action whatsoever, but certain things had to occur, and he believed there would be a bill on the abandonment aspect in the Nevada Legislature that should clear this up. He said Clark County was a classic case of passing a law that passed muster with the current practice, which would likely occur here.

Commissioner Berkbigler said the problem with the motion was there was no evidence that someone would be going to the Legislature in 2015 to address this issue. She stated Clark County already addressed it, so they would not be going to the Legislature. She said unless Washoe County intended to go to the Legislature, she did not see this getting addressed in the 2015 session. She stated she would be more comfortable with giving staff direction to work with the NHS to be the designated caretaker of the stray-cat colonies. She said that would at least be putting a band-aid on the situation. She stated her concern with Chairman Humke's motion was about where the cats would go if

the Board did nothing. She said unless a cat was sick, Animal Services would not be euthanizing them as long as she was on the Commission.

Commissioner Berkbigler amended Chairman Humke's motion to direct staff to move forward with the Nevada Humane Society (NHS) becoming the caretaker of the stray-cat colonies. She said that was the same process Clark County had, which used a nonprofit to manage the colonies. She stated the County would not be breaking the law, but would be making sure the cats were being taken care of. Commissioner Weber seconded the amendment to the motion.

Chairman Humke said regarding the last point Commissioner Berkbigler made, Mr. Shea suggested the County was violating the abandonment law, which was different than the Clark County situation. Commissioner Berkbigler stated she understood the proposal being made by Mr. Schiller would be to mimic the program in Clark County, which allowed Clark County to manage the feral-cat project through a nonprofit. She said in Washoe County's case, the nonprofit would be the NHS, but there might be others the County could work with. She stated instead of saying just the NHS, the motion could say the NHS and the nonprofits. She said with Clark County managing its cat populations that way, it appeared to indicate that would be a legal approach for Washoe County to use.

Commissioner Berkbigler stated a public speaker commented earlier that she should recuse herself because she worked closely with the NHS. She said she had not lobbied Carson City to work with the NHS, but provided a letter of recommendation that stated in her experience the NHS did good work. She felt that did not require her to recuse herself.

Commissioner Hartung stated Commissioner Berkbigler's motion did not address how the cats killed indigenous wildlife, and releasing them did not solve that part of the problem. He said he did not know what the solution would be.

Chairman Humke said Commissioner Berkbigler's proposed amendment would encourage Animal Services to work up a contract, and he asked if that would violate the County's basic scheme to work through the PSA with the NHS. He asked if it was up to the NHS to forge the contracts. Commissioner Berkbigler felt it was up to Animal Control to work with the NHS to make sure the cats brought into the facility were not euthanized. She asked if for the next nine to ten months, would the cats sit in our facility or would we do business as usual, which would be breaking the law as she understood the letter from Mr. Shea indicated. Chairman Humke stated if an ordinance was passed authorizing cat colonies as the receiver of the feral cats, we might have to simultaneously renegotiate with the NHS to make sure we would not be impairing their contract.

Mr. Lipparelli said he found an ordinance months ago that was passed in Cook County, Illinois that addressed all sorts of policy questions and defined a feral cat, caretaker, colonies and sponsors. He stated there were a lot of policy questions to be



addressed when considering an ordinance like this. He said if the Board wanted to get started, it could give direction to start development of an ordinance.

Mr. Lipparelli noted Chairman Humke's motion included a provision to let the Legislature address the issue and Commissioner Berkbigler's proposed amendment did not take that part out nor was dealt with by the amendment. Commissioner Berkbigler said she had no issue with leaving in the language regarding the Legislature, so her amendment did not take it out.

On a call for the vote on the amendment to Chairman Humke's motion, the vote was 4-1 in favor of the amendment to the motion with Commissioner Hartung voting "no." On a call for the vote on Chairman Humke's underlying motion, the vote was unanimous in favor of the motion.

**14-0892      AGENDA ITEM 14 – SENIOR SERVICES**

**Agenda Subject: "Recommendation to accept grant awards from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Congregate Meals [\$246,400 match of \$43,487 from ad valorem tax] and Home Delivered Meals [\$353,150 match of \$62,328 from ad valorem tax] retroactive from September 30, 2014 through September 29, 2015; and direct the Comptroller to make the appropriate budget adjustments. (All Commission Districts.)"**

**3:40 p.m.**      Commissioner Weber left the meeting.

Commissioner Hartung said he requested having this discussion regarding the Home Delivered Meals program with the Nevada Aging and Disability Services Division (ADSD). He felt it was important that people understood the County was trying to feed a lot of people and was looking at all possible options.

Grady Tarbutton, Senior Services Director, said the County received this grant from the ADSD for twenty five or thirty years, and the County subcontracted with a private nutrition-services provider since the early 1990s. He stated two-year proposals were submitted to the State and this was essentially a renewal of a grant that was already awarded. He said the grant provided the County with approximately \$800,000 a year in federal funds and required the County to operate under certain regulations. He said the State increased the award for the first time since the early 1990s, which allowed serving an additional 25,000 meals. Commissioner Hartung said those additional meals were what he wanted highlighted.

Kevin Schiller, Assistant County Manager, said a year ago a survey was done, which indicated about 30 percent of the existing customers were getting only one meal per day. He stated the Social Services entities joined forces and added a meal and they were now working on how to increase the overall capacity as the two departments became one.

Mr. Schiller said the Department of Agriculture also provided donations to Senior Services. He stated the Department contacted the County and then delivered the produce they had available. He said once the produce was received, it was disbursed to the seniors within 24 to 48 hours. He stated it was one of the top tiers in the master plan that the Board would be hearing about in the near future. He said the meal capacity was continuing to be expanded by donations and by grant funds. He stated as the next quarter approached, there would be something coming forward that would allow increasing the number of meals again specific to the use of combining the grant funds. Commissioner Hartung said he hoped the County would have a fairly robust working relationship with the Department of Agriculture, and he felt they might have more to give us than we could imagine.

**3:46 p.m.** Commissioner Jung left the meeting.

Mr. Schiller stated staff was working with the City of Sparks on how to expand the capacity across the region. He said the meals were a key piece of that expansion, because they brought the seniors in so they could be assisted with other issues. Commissioner Hartung stated he was concerned about seniors going hungry even though they had a home.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigger, which motion duly carried with Commissioners Jung and Weber absent, it was ordered that Agenda Item 14 be accepted and directed.

**14-0893      AGENDA ITEM 19 - COMMUNITY SERVICES**

**Agenda Subject:** "Introduction and first reading of an Ordinance amending Chapter 40 of the Washoe County Code (water and sewage) by authorizing the Truckee Meadows Water Authority to participate in the Water and Sanitary Sewer Financial Assistance Program by allowing eligible residential property owners to obtain a loan funded by and to connect to the Truckee Meadows Water Authority's retail water service facilities, revising the dollar threshold for County Commission loan approval, and other matters properly related thereto. (All Commission Districts.) To be heard before Agenda Items #20 and #21."

Nancy Parent, County Clerk, read the title for Bill No. 1726.

There was no public comment on this item.

Bill No. 1726, entitled, "AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE (WATER AND SEWAGE) BY AUTHORIZING THE TRUCKEE MEADOWS WATER AUTHORITY TO PARTICIPATE IN THE WATER AND SANITARY SEWER FINANCIAL ASSISTANCE PROGRAM BY ALLOWING ELIGIBLE RESIDENTIAL

PROPERTY OWNERS TO OBTAIN A LOAN FUNDED BY AND TO CONNECT TO THE TRUCKEE MEADOWS WATER AUTHORITY'S RETAIL WATER SERVICE FACILITIES, REVISING THE DOLLAR THRESHOLD FOR COUNTY COMMISSION LOAN APPROVAL AND OTHER MATTERS PROPERLY RELATED THERETO," was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

Dave Solaro, Community Services Director, said the recommendation was to have the second reading on October 28, 2014.

3:49 p.m. Commissioner Jung returned to the meeting.

**BLOCK VOTE – AGENDA ITEMS 20, 21, 22, AND 23**

**14-0894 AGENDA ITEM 20 – COMMUNITY SERVICES**

**Agenda Subject:** "Recommendation to approve an Interlocal Agreement regarding Administration of Water Financial Assistance Program between Washoe County and the Truckee Meadows Water Authority (TMWA) to establish a process for TMWA to provide funding to Washoe County's Water and Sanitary Sewer Financial Assistance Program that will offer loans to pay the cost for an eligible residential property owner with a failed or failing private water system to connect to TMWA's retail water service facilities and to set forth the terms and provisions regarding the administration and implementation of this program. (All Commission Districts.) To be heard after Agenda Item #19 and before Agenda Item #21."

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigger, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 20 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

**14-0895 AGENDA ITEM 21 – COMMUNITY SERVICES**

**Agenda Subject:** "Recommendation to approve amendments to Washoe County's Water and Sanitary Sewer Financial Assistance Program Policies and Procedures that are necessary to implement the terms and provisions contained in the Interlocal Agreement with the Truckee Meadows Water Authority (TMWA) governing the participation of TMWA in the Program and updating the Policies and Procedures to meet current conditions. (All Commission Districts.) To be heard after Agenda Items #19 and #20."

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 21 be approved.

**14-0896      AGENDA ITEM 22 – COMMUNITY SERVICES**

**Agenda Subject:** “Recommendation to approve crediting existing Washoe County water utility customers with deposits on account against their remaining 2014 calendar year water utility bills in the November 2014 billing cycle and suspend the requirement to collect new deposits beginning on October 15, 2014. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 22 be approved and suspended.

**14-0897      AGENDA ITEM 23 – COMPTROLLER**

**Agenda Subject:** “Recommendation to adopt a Resolution directing the defeasance and redemption of the Washoe County, Nevada, General Obligation (limited tax) Water and Sewer Bonds (additionally secured by pledged revenues) Series 2005; and providing other details in connection therewith. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried with Commissioner Weber absent, it was ordered that Agenda Item 23 be adopted. The Resolution for same is attached hereto and made a part of the minutes hereof.

**14-0898      AGENDA ITEM 26 – MANAGER**

**Agenda Subject:** “Introduction and first reading of an Ordinance adopting changes to the Washoe County Code that clarify the meaning of a dangerous dog; clarify that an administrative hearing officer may hold a hearing to consider and make a finding that a dog is dangerous; provide for appeal from a dangerous dog determination by a petition for judicial review; forbid a finding that a dog is dangerous based solely on its breed; provide for increased liability insurance coverage for owners of dangerous dogs and provide for microchipping of dogs under certain circumstances; makes changes to the dangerous dog registration requirements; makes it unlawful to introduce into, relocate within, or remove from the County a dog declared to be dangerous and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the Ordinance. (All Commission Districts.)”

Nancy Parent, County Clerk, read the title for Bill No. 1727.

In response to the call for public comment, Margaret Flint, representing the Canine Rehabilitation Center and Sanctuary, said there were concerns with how the ordinance was drafted regarding dangerous dogs not being allowed to be relocated or have a change in ownership. She stated they would like to see language allowing 501c3s to evaluate taking possession of the dog. She noted there were additional concerns, which were outlined in her comments. She said she hoped Animals Services would be directed to go back to the drawing board and work with them on addressing some of those concerns. A copy of her comments was placed on file with the Clerk.

Bill Maggiora said he had a hard time following the logic that dangerous dogs could not be removed from the County, because he believed it would be better for the County if they were removed.

Commissioner Jung said a lot of staff time had been spent on this, but she was hesitant to introduce this bill. She asked when the new director of Regional Animal Services was expected to be on board. Mr. Schiller said the target was December 1, 2014. Commissioner Jung suggested taking all of the gathered public information for this proposed ordinance along with that for the ordinances in Agenda Items 27 and 28 and postpone bringing them back until after the first of next year when the new director would be on board. She said she did not want to preempt the work of the first animal services expert the County ever had by tying his/her hands by adopting the three ordinances. She said to adopt and then make changes to the ordinances would take another public comment period and two hearings.

Commissioner Jung asked if Agenda Items 26, 27, and 28 were basically to put the County in compliance with State laws and if they could be brought back after the new director was ready to do so. Mr. Schiller said it was about 90/10, and noted the County had been out of compliance for several years. He advised the ordinance regarding the Animal Control Officers in Agenda Item 28 was more related to the standup of the department, while the others related to the workshop process and the Legislative mandates.

Commissioner Hartung stated he agreed with Commissioner Jung that it would be prudent to wait until the new director was on board and had time to understand the compliance issues and the input from the workshops. He noted there was language, especially in Agenda Item 27, which he was not comfortable with.

**4:04 p.m.** Commissioner Weber returned to the meeting.

Commissioner Berkbigler asked if a fence was high enough so an animal could not jump over it, would that meet the requirements in Section 3, Item 5 of this ordinance. Robert Smith, Animal Control Supervisor, said it was a requirement in the current Code that a dog be contained in a locked enclosure. Commissioner Berkbigler asked if a locked enclosure was considered to be a backyard or would the owner of the

dog have to buy or build an enclosure. Mr. Smith said even under current Code, the enclosure must have a footer, so the dog could not dig its way out, and a top. He stated if a dog was deemed dangerous and the owner wanted to keep it, they had to ensure the dog would not be a danger to the public, which meant its enclosure would have to be completely enclosed.

Commissioner Berkbigler said she had an issue with a dog being unable to leave Washoe County. Mr. Smith said that condition was part of an agreement between agencies across the nation. If a dangerous dog relocated outside of our area, we would notify the jurisdiction where it was being relocated to, just as we were notified when a dangerous dog was relocated here. He stated that was done so someone could not just move into another jurisdiction to get away from the dangerous dog determination. He said notifying the agencies was an issue of public protection. Commissioner Berkbigler stated the language in Section 3, Item 5 should be rewritten to be more grammatically accurate, because she felt right now it could be interpreted differently by different people.

Chairman Humke said he did not agree with putting off the approval of the first readings pending the hiring of the Animal Services Director. He stated some of the changes were to comply with statutes, which the County should do. He said the ordinance might not be perfect, but it could be amended. He stated certain dogs were vicious and would attack other dogs in the meantime, and the ordinance would provide some safety for the County's citizens.

Commissioner Hartung asked if doing a first reading would preclude the Board from making any grammatical changes and if it put it on a time-certain track for a second reading. Mr. Lipparelli said Nevada Revised Statute (NRS) 244.100 provided for a first reading to be accepted or rejected within 35 days. He said that meant the second reading would have to be heard on November 12, 2014 at the latest. He said minor changes could be made from the version introduced and the version adopted but, if any change was made to the title, the process would have to start over. He stated that was because the first reading gave notice on what the Board would be doing and the intent of that notice would fail if what the Board adopted was significantly different from what was introduced.

Commissioner Weber assumed the County was done holding workshops on dangerous dogs. Mr. Schiller said there had been a separate workshop on dangerous dogs, and the four main tenets regarding dangerous dogs were incorporated into the ordinance. He said those tenets included the legislative changes around breed discrimination, the higher liability insurance to protect the public, the issue of dangerous dogs within the County and how they were allowed into the County, and the clarification on the impoundment of a pending dangerous dog. He stated if there was not a first reading today, public input would continue to be gathered. He stated the working draft incorporated the majority of the changes already received, and the changes had been posted as they were drafted.

Commissioner Weber said the comments received were important; but she was concerned that there had not been many comments, especially if the policy regarding dangerous dogs was being based on those limited comments. She stated she heard a lot of people were dissatisfied with their ability to speak out during the workshops. She felt the ordinance should not be introduced today, but could be introduced at the next meeting.

Commissioner Jung proposed postponing anything not statutorily required until the new director was onboard, because she would like to have his/her input on this since this would be the first time the Animal Services Director would be a subject-matter expert. Commissioner Hartung agreed. He felt the new director might be able to provide feedback based on his/her practical experiences in other jurisdictions, which could be useful in crafting the Code's language or in administering the Code. Mr. Schiller advised the new director probably would start January 1, 2015.

Commissioner Weber asked if the ordinance came back to the Board in two weeks, would that allow enough time to make the changes. Chairman Humke stated the policy matters would have to be resolved by non-legal staff and then the County's legal staff would have to look at it, and he felt that would not be a reasonable request. Commissioner Weber asked if the Board should give direction to bring the ordinance back in January 2015. Chairman Humke felt staff had direction, which included the comments by Ms. Flint. He felt those comments could be evaluated to see if that action would be lawful. He agreed with Commissioner Weber that he heard comments from people feeling the workshop process was scripted and highly directed, and they did not get to have their say. Commissioner Hartung stated people told him the workshops were productive and staff did a great job. He said not everybody could be pleased no matter what staff did, especially since this was a very polarized issue. Chairman Humke agreed.

Chairman Humke felt staff had confirmed they captured the essence of what changes the Board desired.

On motion by Commissioner Hartung, seconded by Commissioner Berkbighler, which motion duly carried, it was ordered that the assigned bill number of 1727 be unassigned. It was further ordered that staff be directed to rewrite the ordinance based on the comments received, and to bring it back to the Board in a timely basis.

**14-08397 AGENDA ITEM 27 – MANAGER**

**Agenda Subject:** "Introduction and first reading of an Ordinance amending the Washoe County Code by adding thereto provisions regulating commercial breeders in Washoe County and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the Ordinance. (All Commission Districts.)"

See Agenda Item 26 for further discussion on this item.

Paul Lipparelli, Legal Counsel, said the ordinances for Agenda Items 27 and 28 were technical corrections. Chairman Humke believed Agenda Item 28 was based purely on State law. Kevin Schiller, Assistant County Manager, said Agenda Item 28 was driven by standing up the department, and the workshops were not relevant to the introduction. Commissioner Hartung suggested waiting for the new Animal Services Director to be on board, so he/she would have the flexibility of dealing with the authority the Animal Control Officers should have.

Chairman Humke stated he did not see any dispute regarding Agenda Item 27. Commissioner Hartung said he intended Agenda Items 26 and 27 to be heard together. Nancy Parent, County Clerk, asked if the intent was the same with Agenda Item 28. Chairman Humke replied it was. He noted no reading had been conducted nor was a bill number assigned to Agenda Items 27 and 28, and he asked if taking no action on them would be satisfactory. Mr. Lipparelli replied based on Mr. Schiller's input, there appeared to be no urgency to do the first reading. He stated the Board could not act on Agenda Items 27 and 28 if that was their desire.

Ms. Parent noted a letter regarding commercial breeders was placed on file with the Clerk.

In response to the call for public comment, Bill Maggiora felt the number one problem with the ordinance regarding dog breeders was the idea of a dog breeder who got a permit having to go back to get the permit revised if the dogs were changed. He said a friend who bred dogs felt it would be better to set the number of dogs and the individual dogs could be adjusted within that number without the need for formal proceedings. He stated part of the problem was the breeder permit was so cumbersome that they either wanted more flexibility to be a hobby breeder or an easier compliance process to be a commercial breeder.

Chairman Humke felt the Legislature intended the statute to serve as an impediment to commercial breeders and to provide some latitude to hobby breeders, and to some extent the County was saddled with that statute.

There was no action taken on this item.

14-0980 **AGENDA ITEM 28 – MANAGER**

**Agenda Subject:** "Introduction and first reading of an Ordinance amending the Washoe County Code by repealing a section of the Code relating to the authority of an Animal Control Officer; by making changes to the definition of "Animal Control Officer"; by clarifying the duties of Animal Control Officer and by designating Washoe County Animal Control Officers to prepare, sign, and serve written citations and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the Ordinance. (All Commission Districts.)"



See Agenda Items 26 and 27 regarding the discussions about postponing this item.

There was no public comment and no action taken on this item.

### PUBLIC HEARING

#### **14-0901      AGENDA ITEM 29 – DISTRICT ATTORNEY**

**Agenda Subject:** "Second reading and adoption of an Ordinance providing for the full consideration of protests of the merger of The South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority; finalizing said merger; providing for the final dissolution of South Truckee Meadows General Improvement District and its Board Of Trustees; and providing for other matters properly relating thereto. (All Commission Districts.)"

Nancy Parent, County Clerk, read the title for Ordinance No. 1544, Bill No. 1725.

**4:34 p.m.** Chairman Humke reopened the public hearing, which was continued at the last meeting. He asked if there was anyone present who wished to protest the merger of the South Truckee Meadows General Improvement District (STMGID) into the Truckee Meadows Water Authority (TMWA). There was no response.

Paul Lipparelli, Legal Counsel, asked if any more protests were received. Ms. Parent replied there were none. Mr. Lipparelli said the ordinance contained a provision regarding the protests, and the sum total of the protests were those received on or before September 23, 2014, which were in the possession of the Clerk. He stated it would be all right to close the public hearing. Chairman Humke closed the public hearing.

Chairman Humke asked if this ordinance did what it was expected to do. Steve Cohen, STMGID Board of Trustees (BOT) Chairman, noted STMGID would cease to exist per the agreement on December 31, 2014 when STMGID and Washoe County would merge into TMWA. Chairman Humke thanked Mr. Cohen and the rest of the BOT for their service. Mr. Cohen thanked the Board and the previous Commissioners who had been involved with STMGID over the years. He said he hoped the water system would be better for the merger.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Ordinance No. 1544, Bill No. 1725, entitled, "AN ORDINANCE PROVIDING FOR THE FULL CONSIDERATION OF PROTESTS OF THE MERGER OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT INTO THE TRUCKEE MEADOWS WATER AUTHORITY; FINALIZING SAID MERGER; PROVIDING FOR THE FINAL DISSOLUTION OF THE SOUTH TRUCKEE

**MEADOWS GENERAL IMPROVEMENT DISTRICT AND ITS BOARD OF TRUSTEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO,"** be adopted, approved and published in accordance with NRS 244.100.

**14-0902      AGENDA ITEM 30 – WORK CARD PERMIT APPEAL**

**Agenda Subject:** "The Washoe County Commission will adjourn from the Commission Chambers and reconvene in the County Commission Caucus Room (1001 E. 9th Street, Building A, 2nd Floor, Reno) to consider the work card permit appeal for Jessica Lombardi. The HEARING will be a CLOSED SESSION to discuss the applicant's character or other matters under NRS 241.030(1). Following the Closed Session, the Commission will return to open session in the Commission Chambers to take action on the appeal and finish the remainder of the October 14, 2014 Board Agenda."

**4:40 p.m.**      On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing the work card permit appeal for Jessica Lombardi pursuant to NRS 241.030(1).

**5:42 p.m.**      The Board reconvened in open session.

Paul Lipparelli, Legal Counsel, said the Board had conducted a closed session regarding Jessica Lombardi's work card appeal, a record was made, documents were reviewed, and questions were answered. He stated the Board was now in the position to make a decision regarding the appeal, which should be made in reference to the record made in closed session.

Chairman Humke noted Jessica Lombardi was present.

Commissioner Jung made a motion that a work card be granted to Ms. Lombardi to perform childcare services. Commissioner Hartung seconded the motion.

Chairman Humke said it was mentioned that the Commissioners were certain that Ms. Lombardi would work with others present if she was working for hire around children. He asked how that was assured under this motion. Commissioner Berkeigler said she was not sure that was assured under the motion, but she was not aware of any childcare facility only having one person on duty. She felt based on the Commissioner's due diligence, it would not be necessary to put any contingencies on the work card permit. She stated she would support the motion made by Commissioner Jung. Commissioner Hartung concurred he did not see any need for restrictions on the work card permit.

**5:47 p.m.**      Commissioner Jung left the meeting.

There was no public comment on this item.

Chairman Humke said Social Services recommended Ms. Lombardi's work card be denied and they did that for a reason even though it was a civil matter and the criminal matter was dropped. He stated she would be working with other people's children and, if she worked at a home daycare, he was concerned she could work alone. He said in applying an abundance of caution, he was not sure there were sufficient guidelines in place to protect other peoples' children.

On the call for the question, the vote was 3-1 in favor of the motion with Chairman Humke voting "no" and Commissioner Jung absent.

5:49 p.m. The Board recessed.

6:31p.m. The Board reconvened with Commissioner Jung absent.

### PUBLIC HEARING

#### 14-0903 AGENDA ITEM 31 – COMMUNITY SERVICES

**Agenda Subject:** "Appeal Case Number AX14-005 (Village at the Peak) - Appeal of the Planning Commission Action of denial for Master Plan Amendment Case Number MPA12-001. Public Hearing: (1) Appeal (AX14-005) of a denial by the Planning Commission of Master Plan Amendment (amended MPA12-001); possible action to affirm or reverse the Planning Commission's denial; (2) Review the report from the Washoe County Planning Commission and (3) Possible adoption of a resolution adopting the amended Master Plan Amendment MPA12-001 (subject to conformance review by the Regional Planning Commission) to amend the Spanish Springs Area Plan (i) to include the creation of a new character management area on a 39.83-acre parcel to be named the Village Residential Character Management Area (VRCMA) and the redesignation of the 39.83-acre parcel from a mix of Industrial (I), Commercial (C) and Open Space (OS) to Suburban Residential (SR); (ii) to amend the Character Management Plan map to identify the new VRCMA; (iii) to change the Character Statement in the Spanish Springs Area Plan to identify the new VRCMA and to allow for multi-family uses within the VRCMA up to nine dwelling units per acre; (iv) to amend Policies SS.1.1, SS.1.2, SS.1.3(d), SS.1.5, SS.4.1, SS.15.1, SS.16.1, SS.17.5, SS.17.5.1; (v) to add new policies SS.1.4A (a) thru (h); to amend Table C-1 to add High Density Suburban (HDS) to the allowable use table; and (vi) to adopt a new appendix (Appendix E - "Village Residential Community Management Area (VRCMA) Design Guidelines"). Further, to reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the Spanish Springs Area Plan are proposed. These administrative changes include: a revised map series with updated parcel base, and updated applicable text. The property is located north of Calle De La Plata, several hundred feet to the northeast of the intersection of Pyramid Highway

and Calle De La Plata within Sections 23 & 24, T21N, R20E, MDM, Washoe County, Nevada. (APN: 534-562-07). (Commission District 4.)”

**6:31 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case Number AX14-005 (Village at the Peak).

**6:33 p.m.** Commissioner Jung returned to the meeting.

Bill Whitney, Planning and Development Division Director, conducted a PowerPoint presentation regarding the appeal of the Planning Commission's Denial of Appeal Case Number AX14-005 (Village at the Peak) that highlighted the background surrounding the appeal, the vicinity map with the subject shown in red, the six proposed amendments to the Spanish Springs Area Plan, the amendment to the Character Statement, the proposed Master Plan Amendment, the proposed Character Management Plan Amendment, the proposed policy amendments, support of the findings, the Citizen Advisory Board (CAB) – Visioning Workshop and Neighborhood Meeting, the Planning Commission hearing – September 16, 2014, and the possible motions to adopt or deny.

Mr. Whitney said there had been five visioning workshops between the time of the original application and this new one. He stated the new Village Residential Character Management Area (VRCMA) would allow up to nine dwelling units per acre. He said staff worked with the Applicant throughout the process as directed by the Board. He stated slide 12 provided a list of things supporting the findings. He noted the Spanish Springs CAB and the Planning Commission both denied the request. He said the Planning Commission prepared a report that specified the findings that could not be made, which was part of the staff report. He stated the Planning Commission struggled to make the first finding, SS17.1A, which said the amendment would further implement and preserve the Vision and Character Statement when changed. He said they felt only one CAB meeting was not enough for community input; it seemed to violate the Regional Plan, which provided for infill development; and would strain the services and infrastructure in the Spanish Springs area. They acknowledged more intense development, such as apartments, would be coming to Spanish Springs, but this project was proposed at the wrong place and at the wrong time.

Commissioner Hartung felt this was essentially the same application that was previously brought before the Board. He asked if this would be creating a Character Management Area inside the Character Management Area that resided within the Spanish Springs Area Plan. Mr. Whitney stated that was essentially a correct statement. He advised this version of the application was quite a bit different than the first one.

Commissioner Hartung stated spot zoning was defined as, “A change in district boundaries, variance, or other amendments to the zoning code, use, and area maps that violate sound principles of zoning and were characterized by the following: Individuals seek to have property rezoned for their private use, usually the amount of land involved is small and limited to one or two ownerships, the proposed rezoning would give privileges not generally extended to property similarly located in the area,

applications usually show little or no evidence of or interest in consideration of the general welfare of the public, the effect on surrounding property including adequate buffers, whether all uses permitted in the classification sought are appropriate in the location proposed or conformity to the comprehensive plan or the comprehensive planning principles including alterations to population density patterns and increased load on utilities, schools and traffic.” He said that definition was from a planning book entitled, *A Glossary of Zoning, Development, and Planning Terms*, which was a commonly used book in the planning industry. He said he felt what was being done here was spot-master planning in the middle of the Spanish Springs area, which would give zoning privileges to someone that would not be extended to anybody else in the area.

Mr. Whitney said Commissioner Hartung changed the reference from spot zoning to a spot-master planning amendment, and he noted this was a Master Plan Amendment. He stated Greg Salter, Deputy District Attorney, looked at the case law and did not find any for spot-master planning. Commissioner Hartung said he and a friend were talking about this issue, and they agreed this appeared to be spot-master planning. Mr. Whitney said he was aware of the book Commissioner Hartung quoted, and it was a planning principle. He stated the Master Plan Amendment would allow for a list of available zoning categories and would not be just one Residential HDS.

Commissioner Hartung asked what would stop the next person from coming in and doing a spot-master plan. He said this would not be a camel putting his nose under the tent, but would be the tent being blown away. He stated now someone only needed to reference this type of change anywhere in the County and indicate they wanted to create their own little Character Management Area. He said they could indicate they wanted all of the rules to be different than those in the entire Area Plan and the rules should only be specific to them. He said he was very concerned about that, and he did not think this fit into the existing desired land-use pattern in the Spanish Springs area.

Commissioner Hartung noted staff was directed by the Commission to work this out. He said the Commissioners were the policy makers, but he felt staff needed to be able to tell the Commission what the ramifications of things would be. He stated he was concerned that going down this road would open up a Pandora’s Box with respect to infrastructure, schools, police and fire services, and all of the things necessary for an urbanized community. He said the staff report mentioned this project resided next to a 10-acre rural parcel, but the project would essentially have an urban designation. He stated he was concerned about how this would have its own policies and would be its own mini-master plan inside the Spanish Springs area. He said this was a Master Plan Amendment, but outlined the complete project as well.

Commissioner Hartung asked if he was correct in assuming this was an RZA. Mr. Whitney said the first iteration that came before the Board was both an RZA and a Master Plan Amendment, but this was only a Master Plan Amendment. He stated the zoning amendment would have to come back to the Board for approval. Commissioner Hartung asked why he was being given all of the information specific to a project, but the discussion continued to be about the Master Plan Amendment. Mr.

Whitney said he appreciated that observation because, for years when talking about a Master Plan Amendment, staff told the Planning Commission or the Board of County Commissioners (BCC) it was about a color on a map and not about a project. He stated this project had been different from day one, and staff looked at the way the Planning Commission, the BCC, and the members of the community struggled with this and decided providing more information would be better.

Commissioner Hartung said it was acknowledged there was no transit serving the area and none was planned by the Regional Transportation Commission (RTC) even in their 2035 Transit Plan. He said it was also acknowledged there needed to be a traffic signal. He asked where the information regarding the traffic patterns came from. He stated the current zoning analysis cited commercial and industrial would generate 10 times more evening peak trip hours than 360 multifamily units. He asked why the evening peak hours were used, because the nighttime traffic was not an issue. He stated trying to get out onto Pyramid Highway from Calle De La Plata was a nightmare in the morning. He said he found some of that stuff disingenuous at best, and he wondered who wrote it. Mr. Whitney invited the Applicant's representative to come up and answer that question.

Commissioner Hartung advised it was not his intent to beat staff up, and he apologized if he had been a little aggressive towards them.

Garret Gordon, Lewis Roca Rothgerber LLP, said since the Applicant was last here they met with staff and Regional Planning numerous times and went out into the community. He felt the amended application addressed the original concerns by Regional Planning, the BCC, and the neighborhood. He felt this would be the right project, at the right place, and at the right time.

Mr. Gordon said there was a lot of concern that the Applicant would be changing the character because Spanish Springs was not ready for urbanization. He stated when the cap was put in during 2003, the Master Plan had a lot of General Rural zoning. He said today there was also Commercial and Industrial zoning, which was shown on the 2003/Current Spanish Springs Master Plan Map slide. He said the industrial zoning included a business park that was one of the largest in the area and had 1.2 million square feet under construction for additional tenants. He said that meant jobs, economic development, diversification, and the need for housing.

Mr. Gordon stated some of the Board members directed the Applicant to get a report, and they obtained a professional to address those items the Applicant was directed to deal with. He said they heard the concerns from the Commission and the neighborhood that the original application would lead to a proliferation of multifamily dwellings and how the nine units per acre could go anywhere in Spanish Springs, which meant the area's character would change and the proliferation would be horrible. He stated the Appellant argued that could be narrowed down with a Specific Plan. He stated they went back to the drawing board with Regional Planning, staff, and looked at the minutes of the Commission meetings. He said the Appellant was always looking at

whether their 40-acre parcel with its nine units per acre was at the appropriate place at the appropriate time, which they believed it was. He stated this was a case-by-case analysis, which was exactly what he heard from Commissioner Hartung about the proliferation and how he would like for the focus to be on the 40-acre parcel.

Mr. Gordon said spot zoning was a curious question, and he felt the Hawco Business Park could be spot zoning. He stated increasing the industrial and commercial caps four or more times for specific developers could be considered spot zoning. He stated this was not spot zoning, but what the Applicant was directed to do, which met all of the County Code requirements and all of the land-use principles. He noted proliferation had been mentioned numerous times. He stated the concept was if anyone else wanted to do this, it would not require a Master Plan Amendment, but would only require a zoning amendment, which would bypass the intent to go to Regional Planning and would bypass the principles of the Master Planning policies. He said the reaction to the comments by the Commission and Regional Planning, was to create a separate Character Management Area. He stated the specific location was perfect for multifamily housing due to it being located near a business park at the corner of Calle De La Plata and Pyramid Highway, was next to a village concept, and was near commercial and industrial. He stated if someone else wanted to try this, they would have to go through the exact same process the Applicant had to go through. He said that was important to Regional Planning, to the Commission, and to the residents.

Mr. Gordon said they met with Brian Bonnenfant, University of Nevada, Reno, Center for Regional Studies, who worked for developers, counties, cities, and environmental groups. He stated Mr. Bonnenfant was given the complete record of the project and was asked to look at the demand for housing, the housing balance, transit, and affordability to determine if there was a need for this project. He said the answer was there was a need for multifamily housing in Spanish Springs because of the changing demographics due to the influx of younger people and of those 65 to 85 years old. He stated seniors preferred to not have yards and to live in multifamily housing, which certainly created the need. He said commercial and industrial zoned land also created a demand, since 10 million square feet had the potential for development and 1.2 million square feet was already under construction. He stated the commercial development would extrapolate to over 8,000 jobs in the Spanish Springs area, which would mean there would be a demand for multifamily housing. He said further creating a demand was the current 4 percent vacancy rate. He stated the study provided the Appellant with the confidence that he could get the funding to develop the project. He noted only 27 percent of the residents worked in Spanish Springs, so the remaining employees had to commute from outside of Spanish Springs. He said that meant a lot of traffic and a lot of money was leaving Spanish Springs and, because they did not live in Spanish Springs, it also meant they had no sense of community and no options available in the housing/jobs balance, which was critical in Mr. Bonnenfant's analysis.

Mr. Gordon stated Mr. Bonnenfant also acknowledged that downzoning commercial/industrial to multifamily would create less traffic and that multifamily dwellings would be a good buffer between the commercial/industrial and the single-

family homes with the design standards being imposed. He said in addition to making the Applicant more confident about the project, the analysis hit a lot of the findings made by staff, which the Applicant believed Regional Planning would also make.

Mr. Gordon discussed the supporting factual information slide. He highlighted that design standards were being done so the commitments contained in the Theiss Agreement would be put into writing, which would run with the land in perpetuity. He said the application went before 11 reviewing bodies and the project would concur with all of the conditions from those agencies. He noted they heard from the neighbors that the staff members were the professionals and they recommended denial, but now staff recommended approval because every single finding of a Master Plan Amendment was met. He stated the Applicant worked hard to get to this point, and he respectfully requested the Board vote in favor of this application. A copy of his PowerPoint presentation was placed on file with the Clerk.

John Krmpotic, KLS Planning & Design Group said he would reserve his comments until everyone else was heard, particularly regarding the gross misrepresentation made by Commissioner Hartung.

Commissioner Hartung asked for a definition of the gross misrepresentation he made, because he pulled directly from the staff report except for the statements about spot zoning. Mr. Krmpotic asked who was the master planning and zoning authority Commissioner Hartung cited. Commissioner Hartung said it was a book entitled, *A Glossary of Zoning, Development, and Planning Terms*.

Mr. Krmpotic said Mr. Whitney mentioned the request would be to suburban residential in the Master Plan and Commissioner Hartung called this urbanization of a rural area. He said that could not responsibly be called urbanization. He stated there was an existing designation in Spanish Springs for up to nine units per acre. Commissioner Hartung said it was not an existing designation. Mr. Krmpotic said it was in the existing Washoe County nomenclature and was being asked for in the Spanish Springs Area Plan. Commissioner Hartung said it was not an existing designation in Spanish Springs. Mr. Krmpotic said suburban was, which was what they were asking for in Spanish Springs. He stated the allowed uses were: General Rural, Low Density Rural, Public, Semi-Public Facilities, Parks and Recreation, Open Space, Low Density Suburban, Medium Density Suburban, and High Density Suburban. He said there was and no spot anything included.

Mr. Krmpotic stated the Appellant had no idea what this project would end up being, it could even be single-family residential. Commissioner Hartung asked why the Appellant would go through this, because if this could be done as an allowed use, they would not be here right now. Mr. Krmpotic stated housing diversity was one of the findings staff made, which would be five to seven units per acre at this location. He stated the Appellant had to get funding if he wanted to do a 360-unit multifamily project, but they did not know if that would happen yet. He said his point was about spot master planning and spot-zoning. He said that was a little overcooked in this context because



there were a lot of allowed uses: condominiums, apartments, town homes, group home, and single-family. He stated Commissioner Hartung said an approval would open up Pandora's Box in terms of the impacts on schools and infrastructure. He said the Appellant did engineering studies on sewer capacity, water, storm water, and traffic.

Commissioner Hartung said Mr. Gordon cited the 1.2 million square feet. He stated SandMar was building a 750,000 square foot warehouse that was an automated picking facility and employed very few people. He said trying to prophesize on how many jobs would be created would be disingenuous on the part of the Applicant. Mr. Krmpotic said there would be a 100-acre industrial park, which Commissioner Hartung would not take seriously as an allowed land use along with everything that went along with it. He said Mr. Bonnenfant had to look at the approved land uses and what went into those land uses when doing the study, along with using a certain absorption rate, which was the way this was done. He stated there was no way of knowing if an approved subdivision would turn into an actual subdivision, but it had to be analyzed as if it would. He said regarding the impacts on schools and infrastructure and opening up Pandora's Box, the level of analysis that was done to change the color on the map was an amazing burden. He stated with regard to water and sewer, which was the impacts regionally, 8,500 residential units were programmed to be connected to the plant, while only 3,500 to 3,600 were already connected. Commissioner Hartung asked if he was talking about Spanish Springs. Mr. Krmpotic said that number was for Spanish Springs. Commissioner Hartung said that included the West Pyramid plant as well and a bunch of area within the City of Sparks. Mr. Krmpotic stated it all fell within that plant. Commissioner Hartung advised the City of Sparks indicated that if the County ran out of capacity, they would not sell us any additional capacity. Mr. Krmpotic said only 3,500 out of the 8,500 allocated had been used. Commissioner Hartung said part of that 8,500 was still for the City of Sparks.

Mr. Krmpotic said he was trying to get at the level of scientific analysis done for traffic, sewer, storm water, and community water, which would be funded by the developer if the project was funded.

Commissioner Hartung said Mr. Krmpotic mentioned jobs, but the average wages for food service and other service employees living alone meant they could not afford a single-family home in Spanish Springs. He stated the people in Spanish Springs who worked at Taco Bell were not wage earners, but were high school kids. He said it was also mentioned this would be an affordable project, but would it be affordable because it would be rent restricted. Mr. Krmpotic said it would be market-rate multifamily, which was a different level of affordability than buying a single-family home. Commissioner Hartung said if he looked at north town properties currently, a two bedroom and two bathroom unit started at \$934 and probably went up to \$1,300 depending on the type of amenities offered. He stated he was not convinced that would be affordable. He noted it was mentioned it would be a walkable community, but walkable to where. He asked if the plan was to put in multifamily and then to put in neighborhood commercial or just hope it would come. Mr. Krmpotic said there was some commercial around the property, but he did not know when it would be developed. He felt the project

would inspire the amenities Commissioner Hartung was talking about. He said the onsite amenities would be part of the walkability, because there would be a giant piece of open space that would be part of the recreational amenities. He stated they could get into it more later.

Commissioner Hartung said he could continue, because they mentioned staff recommended approval, but staff was recommending approval only because this Board commanded them to do so. He stated their recommendation for the original application was denial. Chairman Humke said he did not think we were at the discussion phase yet.

Commissioner Hartung said it appeared we were at an impasse, because he did not believe transit was addressed. He believed that once a policy like this was approved, the County would not have the ability to say no to the next developer. He stated if Regional Planning said no, the developer would take it to court and the court would want to know what the differentiation was. Why did this particular parcel have special privileges and why was this developer not being afforded those same privileges. He said he was terribly concerned with giving that type of direction, which was what he meant by the tent being gone.

Commissioner Weber asked what was in the Specific Area Plan in Palomino Valley/Warm Springs and how did that come about. Mr. Whitney stated that Plan went back many years, but basically a group of landowners, who held quite a bit of land and water rights in the Palomino Valley, wanted to do a specific plan with higher densities than the 40 acres predominate in the Palomino Valley. He said they also wanted to put money into the formation of the specific plan so that money could be used to supply infrastructure such as streets and community sewer and water. Commissioner Weber asked what it took to get there, and if the same process had to be followed for the Applicant's Specific Area Plan, which was really taking larger properties and making them smaller. Mr. Whitney said that happened many years ago and the circumstances between this and what happened in the Palomino Valley were different. He stated he did not believe that would work as a comparison.

Chairman Humke stated Mr. Whitney cited a report by the Washoe County School District (WCSD) dated August 14, 2014. He said he was trying to understand the approval process where it involved some of the agencies such as the RTC and Regional Planning. He stated the CAB's were frustrated because they often heard nothing from WCSD, but now their report looked like a textbook. Mr. Whitney said the WCSD had been getting more proactive during the last year, because they realized they had a limited budget to build new schools and they were not sure of their funding source for the future. He stated they were showing up during more of those types of analysis at the cities and the County. Chairman Humke noted page 2 of the report under the financial impact heading contained a pointed reference to AB 46 and how their methods for raising capital for new school construction were limited. He said they also talked about certain Capital Improvement Projects, which was generally defined as not building an entirely new building but was about making improvements and doing upgrades and maintenance.

He believed that was directed at the people outside of the planning process and was designed to make everyone aware they had needs. He said it seemed as a somewhat politicized statement, which he noticed in other projects. He stated since Mr. Whitney noticed their efforts had become more vigorous, they were probably devoting more staff to this area than they had done in the past. He said on balance it was probably a good thing.

Commissioner Hartung said it was mentioned earlier that it was likely this project would pass Regional Planning, but Regional Planning permitted five dwelling-units per acre and the project was nine per acre and there was no transit. He stated he was terribly concerned with how this project would affect the general area, especially since it was mentioned that the Applicant's representatives did not know what would ultimately happen with the parcel and that it might not be the Applicant who would actually build something there.

Commissioner Hartung said page 4 of the staff report stated if the Board reversed the denial, the Applicant was asking the Board to directly adopt the proposed Master Plan Amendment, which the Board could do provided it referred the matter to the Planning Commission for a report. He asked how the Planning Commission could consider any Board comments made today when the report had already been prepared. He asked if it was a common practice to not send it back to the Planning Commission for a report. Mr. Whitney said he had not seen this happen before, but then the Village at the Peak was not a common Master Plan Amendment. He said Legal Counsel and staff looked at what happened the first time the amendment was before the Board and the Board sent it back to the Planning Commission for a report. He stated nothing good came out of that and it upset the Planning Commission, while the Commissioners were upset at having to send it back to them. He said Legal Counsel felt it was appropriate and legal to have the Planning Commission do their report at their last meeting in anticipation of bringing that report to the Board in the staff report. He advised if there was a change made tonight to the Master Plan Amendment, it would have to go back to Planning Commission; but if there was no change, the report included in the staff report would suffice. Commissioner Hartung advised he was opposed to that happening and, if this was moved forward, he wanted nothing to do with it. He said if legal action was taken against the County, he did not want to be a part of that action.

In response to the call for public comment, Ron Lynch said this was the same old request to build an apartment building, maybe; because it sounded like the Applicant did not know what he wanted to do. He said 100 percent of the public that he knew of said no to the change in the Master Plan. He stated there were approved building sites next to the Spanish Springs Library, but it appeared there was no need since they were never built. He said 450 homes were planned to the west of Pyramid Highway and Calle De La Plata that were not built and a huge development was in progress behind the high school. He said there was already housing planned to handle the needs some of the Board felt would be coming. He stated the developer refused to say how many bedrooms per unit there would be. He asked who would pay the bill for sewer, water, roads, school improvements, fire services, police, and a light at the intersection. He stated there was no

bus service planned and there were no jobs. He stated if this was approved, it would open the door for anyone that wanted to change their piece of property and would end up in lawsuits. He urged the Board to disapprove the appeal.

Mac Wright said he would like Commissioner Berkbigler to recuse herself due to her relationship with the gentleman wanting to build the project.

Rich Lewis stated the Planning Commission denied the project due to the area not being suited for this type of development. He said he hoped the Board would take into account everything stated and the impacts of the project. He stated this was horse country, and he hoped the Board would deny the project.

Ken Theiss said he strongly objected to the path the Commissioners were taking in sending this to Regional Planning and bypassing the Commission's protocol and procedures. He asked how the Planning Commission could prepare its reports prior to knowing if the Board had any comments or questions.

Sandra Theiss stated currently one house was allowed on 10 acres in the area. She noted the roads could not handle the additional traffic, there would not be enough police or fire protection, and the schools were overcrowded. She said the water would be coming from TMWA, but TMWA was drawing from the area's aquifer and there was not enough water. She stated she was against the change to the Spanish Springs Master Plan. She stated apartments had already been approved for behind the Spanish Springs High School and building them would start shortly. She asked the Board to please listen to the people who wanted to keep their rural lifestyle.

Ralph Theiss stated in the last couple of years, petitions containing hundreds of signatures by people who opposed the project were given to the Board. He stated the appeal was denied before. He said the Theiss Agreement was for 120 homes on the 40-acre parcel. He stated the police and fire departments, the Health Department, and the WCSD all said no. An Assemblyman and the District Attorney testified before the Board and said no. He said the Board's job was to fulfill the people's wishes and do what was best for the neighborhood, and he asked the Commissioners to listen to the people and deny the application. He stated the property was for sale and Mr. House did not want to build apartments, but was trying to get the property rezoned to the maximum capacity so whoever bought it could do what they wanted. He said that was what they would do if the Board approved the appeal.

Michael Salisbury said people had to give up doing favors for their friends when in public office. He stated the Planning Commission and Regional Planning voted against this, but it was then given to staff to work with the Applicant to find a way to get it done. He said that gave the appearance of a serious ethical question for some of the Commissioners after their disclosure that they had received funds from the Applicant and his representatives. He questioned having a political fundraiser in a friend's home three weeks after voting in favor of their appeal. He hoped the Commission would vote against this matter, which would reflect the will of the people.

Matthew Chutter stated the project was not in conformance with the existing neighborhood character, and to make the project fit they had to go through some unusual manipulations of the process to have the Board basically approve a big question mark. He said the CAB unanimously rejected the project after revisiting it recently, as did the Planning Commission multiple times. He stated NRS 278.225, which worked in concert with NRS 278.220, cited the possibility of an exception being made for minor changes such as boundaries, alteration of a name, or the update of statistical information; none of which applied in this situation. He felt from a procedural point of view the Board should be careful how they approached this.

Terri Rondulait urged the Board to uphold the denial by the Planning Commission. She said if some of the Developer's validation was to decrease traffic on Pyramid Highway by having area residents work within the community, why was the Southeast Connector being constructed and why would anyone think the residents would not venture outside of their own community. She stated at the recent CAB meeting, the Developer's representative agreed with a statement by his wife who felt if change was left up to the community, progress would never happen. She asked if it was the Developer's view, along with that of some on this Board, that it would be a waste of time to present to the CAB and that the project should go forward based on the elected officials not listening to the concerns of the community they supposedly represented and to their own planners. She said moving forward could risk taxpayer dollars on more lawsuits and could risk more vehicle accidents. She stated it would set a precedent that would allow future developers to go through the process much easier.

Jeanne Herman said one member of the Commission was an exceptional representative for his constituents. She stated she saw a lot of problems with horses being on one side of a property line and dense development being on the other side.

Melanie Chutter said there were not enough hospitals in the area and what would happen if Ebola came here. She felt the cart was being put before the horse, because we were trying to build a lot of development without widening the roads and other things. She commented about the lack of police and fire services and the increase in traffic.

Dan Herman said he was one lot away from the project and he was against it. He stated the Applicant had not worked with citizens of the community. He said the community had a vision to maintain and this project did not fit into that vision. He stated staff had been directed by the Board to make this happen, and he wondered if he would get the same treatment if he wanted to put apartments on his property. He stated this was spot zoning and the application was basically the same as what was before the Board a year ago. He said the Planning Commission had it right and they should be listened to, and it needed to go back to the Planning Commission for comments. He said Commissioner Berkgigler got campaign funds from the Applicant as did Commissioner Weber and this looked bad. He said water was being pumped, which would affect the area's wells. He stated this project was suitable for the Reno/Sparks area, not the unincorporated area of Washoe County. He asked the Commissioners to please vote no.

Mr. Whitney advised staff was handed a petition in favor of the Planning Commission's denial, which was placed on file with the Clerk.

Commissioner Berkbigler asked if the Board approved reversing the denial tonight, would it have to go back to the Planning Commission because this particular proposal had not been before them. Mr. Whitney said it was before the Planning Commission on September 23rd and the vote was 6 to 0 to deny the appeal. He stated it would not go back to the Planning Commission depending on the action the Board took tonight. He said if the appeal was upheld, the next step would be for it to move on to Regional Planning for a possible finding of conformance with the Regional Plan.

Commissioner Berkbigler asked Mr. Lipparelli if a person accepting campaign funding from a developer had to recuse themselves from voting on a project that was coming before the Board. Mr. Lipparelli said Nevada's Disclosure and Abstention Statute, NRS 281A.420, had four sections that were relevant. He said Section 1 contained the general rule that public officers disclose and abstain if they received a gift or a loan, had a significant pecuniary interest, or an interest that would be reasonably affected by the officer's commitment in his/her private capacity to others. He stated Section 2 made a specific exception to the general rule for campaign contributions properly reported. He said that contribution did not have to be disclosed and did not cause the need to abstain under Section 1. He said what was less clear was the potential application of Section 3, which stated a public officer could not vote if they accepted a gift or loan and had a pecuniary interest or commitment in a private capacity to the interests of others. He said the exception in Section 2 was not expressly tied to Section 3, so potentially Section 3 applied. He stated what Section 3 would bar was voting on a matter if a gift was accepted or had a pecuniary interest or commitment in a private capacity to the interests of other persons. Section 4 said in interpreting Section 3 it was presumed there was a problem unless the person involved was not getting an advantage or disadvantage greater than that of the other people in the group to which that person belonged.

Mr. Lipparelli said potentially the Ethics Commission could look at the Commissioners as people who had to run for office, which required campaign contributions, and would determine that the benefit to the people in that group of receiving campaign contributions or gifts would not be greater for any one of those individuals than it would be for all of the members of the group and therefore it would not be a problem. He stated affectively since the record contained statements that were unrefuted that the Applicant and his representatives contributed to all of the Commissioners, arguably none of the Commissioners benefited in any way greater than any of the rest from the gift. He stated if everybody received a gift from the Applicant and could not act, then there would be no County Commission available to process the Master Plan Amendment and that would be a strange result that the Legislature did not necessarily intend. He said under Section 1, it was not a problem because Section 2 made an exception for campaign contributions. He stated an analysis might be required under

Section 3, but he was not aware of any case law that specifically pointed to this situation, so he could not guide the Board any more than what he just attempted to do.

Commissioner Berkbigler said she made it clear from day one that the project was about economic development, and she assured everyone her vote could not be bought. She acknowledged she knew Mr. House and both of his representatives and she considered them friends, but she had lots of friends in this community. She stated the area was in need of multifamily dwellings with Tesla Motors coming to this community.

Commissioner Hartung thanked the people in Spanish Springs for coming out for this item to show their support or lack of support. He stated while he disagreed with Mr. Gordon and Mr. Krmpotic, he admired the zeal with which they went after this. He said it was hard for him to look at this and not recognize that in terms of long-term planning, there would be a fiscal impact to the community in changing the dwelling density and not planning for it properly, which would affect the generations to come. He said it was never in the long-term plan to have multifamily dwellings in the Spanish Springs area. He stated many of his neighbors had horses, and the project's neighbors and it was an equestrian based community, not multifamily based. He said it was difficult for him to look at this project and say there would be no fiscal impact, because he felt there would be a very deep fiscal impact to the taxpayers. He stated an example of that impact was Spanish Springs used to be on septic tanks, but the conclusion was reached that 2,200 dwelling units had to be hooked up to the sewer system of which only about 200 had been done. He said at the time there was no fiscal impact, but many years later that impact had manifested itself, which was his concern.

Commissioner Hartung said regarding economic development, building the project would provide short-term jobs. He stated after it was built it would probably not take more than five people to maintain it. He said maintaining the existing zoning and allowing commercial and industrial to go in would be more of an economic driver and generate jobs. He said during one of his early jobs, he was taught if it does not fit do not force it. He stated he disagreed with the Master Plan Amendment, but he was only one voice.

Chairman Humke stated the Planning Commission prepared a report in case the BCC did not vote the same way they did regarding the appeal, and had any Commissioner contacted the Planning Commission and asked for that report. Mr. Whitley replied he was not aware of that occurring. Chairman Humke asked if this was a quirk that existed in one of the requirements for Regional Planning for this County. Mr. Lipparelli said the statute involved clearly applied when the Planning Commission approved a Master Plan Amendment and sent it to the County Commission who then changed the Amendment. He said it was less certain it applied when the Planning Commission denied an application for a Master Plan Amendment and whether it made any sense for the County Commission to send it back to the Planning Commission for consideration or a report. He stated that had been the practice and there were provisions in the County Code that described the process if the County Commission made changes to the Planning Commission's action. He said the Planning Commission decided to

anticipate the possibility that the County Commission would approve the appeal and decided to produce its report. He stated if he was being asked if someone could find fault with not sending it back to the Planning Commission, the answer was yes. He said the neighbors who opposed the project and were considering their legal rights to make a judicial challenge to the Board's possible decision could make an issue out of that happening. He stated if the Board felt that was a weakness in the process, it could be sent back to the Planning Commission.

Mr. Lipparelli said there was a Nevada Supreme Court case that clearly said counties could not do more with their Master Plan and zoning process than the State law provided for. He stated to the extent Washoe County's Development Code mandated things needed to be sent back and forth between the County Commission and the Planning Commission were inconsistent with State law court, those mandates might not be enforceable.

Chairman Humke asked if the VRCMA violated the guidance from the Nevada Supreme Court and what was contained in statute. Mr. Lipparelli said the Character Management idea had been a part of the Washoe County Master Plan for a long time. He said what this application proposed was to change the way the Spanish Springs Master Plan defined certain terms and to include the kinds of projects the Applicant envisioned within the Character Management Area for that region. He stated the Applicant was asking the Commissioners to use their discretion to change those high-level definitions to allow for this process. He said he was not aware of any Supreme Court decision that struck down the use of Character Management Areas.

Commissioner Hartung made a motion to deny Appeal Case Number AX14-005 (Village of the Peak). The motion died due to the lack of a second.

Commissioner Berkbigler said based on the Board's interpretation of the findings required and on the deliberations and review of all of the written materials and testimony that were introduced at the public hearing, she made a motion to reverse all of the findings and the decision of the Washoe County Planning Commission to deny the amended application for Master Plan Amendment Case Number MPA12-001. She also moved that this Board determined that all of the required findings for adoption of the Master Plan Amendment as listed in Attachment 4, which was Exhibit A of the Planning Commission staff report dated September 16, 2014, could have been made by the Planning Commission. She further moved that this Board adopt a Resolution making all of the required findings and adopting amended Master Plan Amendment Case Number MPA12-001 to amend the Spanish Springs Area Plan as provided in Exhibit A of the staff report dated September 22, 2014. Commissioner Weber seconded the motion.

Commissioner Weber disclosed she received campaign contributions from many developers and others in the community, including Mr. House and Mr. Krmpotic. She said she had known Mr. Krmpotic for a long time, and she met with Mr. House and Mr. Krmpotic. She stated she could honestly vote on this project like she did with many other projects where she received donations. She thanked everyone for coming and for



their comments. She said just because she did not support their request did not mean she was not listening.

Commissioner Berkbigler noted she had received donations from Mr. House, Mr. Krmpotic, and a number of other developers. She reiterated for her this issue was all about economic development.

Chairman Humke said he was in compliance with his acceptance of donations. He advised he met with Mr. Gordon, had some phone calls and texts with Mr. Krmpotic, and talked with Mr. House mostly not about this project.

Commissioner Hartung said he had talked with Mr. Gordon over the months, but there had been no conversations recently. He asked if this appeal would be sent back to the Planning Commission or would it be sent forward. Mr. Lipparelli said the Resolution adopted by the motion indicated in Paragraph D that by the Board adopting the Resolution the Board considered the report received from the Planning Commission satisfied the requirement to consult with the Planning Commission about the change. He stated if the Resolution was adopted, this would not be going back to the Planning Commission.

Commissioner Berkbigler asked if this would now go forward to Regional Planning. Mr. Whitney said the vote to approve the Master Plan Amendment meant the County would take it to Regional Planning for a conformance review.

Mr. Lipparelli stated a statement had been made that the District Attorney, Richard Gammick, was against this project. He said Mr. Gammick made that statement in his private capacity, and Mr. Gammick did not in any way direct himself or Mr. Salter on how to proceed with providing legal advice to staff and the Commission.

On the call for the question, the vote was 4-1 in favor of the motion with Commissioner Hartung voting "no." The Resolution for same is attached hereto and made a part of the minutes thereof.

**14-0904      AGENDA ITEM 32 – CLOSED SESSION**

**Agenda Subject:** "Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220."

There was no closed session.

**14-0905      AGENDA ITEM 34 – PUBLIC COMMENT**

**Agenda Subject:** "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during

individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

Garth Elliott stated the people in Sun Valley could go online at [www.svgid.com](http://www.svgid.com) to look at the Sun Valley General Improvement District's (SVIGIDs) minutes to see how the Board of Trustees voted over the last four years. He noted two years ago Vicky Maltman received 2007 votes and, due to a fluke in Nevada law, the County Commissioners had to vote her in or not. He said he testified at the time that the Commissioners should go with the voters, but they did not. He stated they selected Susan Severt even though she did not run. He admitted she did a lot of good for the community, but the voter's choice was not seated. He said he was asking the voters to put Ms. Maltman in the vacant position and to consider him for reelection.

Dan Herman said the Board's stance on the Village at the Peak Master Plan Amendment was clear and looked like bias. He stated passing the Amendment did not look good to the citizens of the community. He said he had attended the meetings for over two years, and no one favored the project. He stated for the Board to override the community's vision statement was terrible. He said the Board could say they were not influenced by Mr. House, but they all were. He stated Commissioner Weber and Chairman Humke were termed out and should not be voting on this. He felt it was not just about campaign contributions for Commissioner Berkbigler, because Mr. House held a fundraiser at his home for her.

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**8:38 p.m.** There being no further business to discuss, on motion by Commissioner Berkbigler, seconded by Commissioner Weber, which motion duly carried, the meeting was adjourned.

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**DAVID HUMKE**, Chairman  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
**NANCY PARENT**, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
Cathy Smith and Jan Frazzetta, Deputy County Clerks*